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Fifth Session, 1939

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THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Fifth Session.)

Volume LIV—No. 5.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 28th March, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 201 members.

STARRED QUESTIONS

(to which oral answers were given)

Pro-Nazi Propaganda by the members of the German Club in Calcutta.

*269. **Dr. SANAULLAH:** Is the Hon'ble Minister in charge of the Home (Political) Department aware—

(*a*) of the existence of a Club called the German Club in Calcutta;

(*b*) that conscious pro-Nazi propaganda is carried on by its members within and outside this Club; and

(*c*) that people of other nationalities are sometimes invited to their Club to listen to Nazi propaganda?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) No.

(*c*) Persons of other nationalities are understood to be invited to the Club from time to time.

Mr. PROMATHA RANJAN THAKUR: With reference to (*a*) will the Hon'ble Minister be pleased to state if it is a social or political Club?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am aware it is a social Club.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state what are the aims and objects of this Club?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is a social Club.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether any watchers or officers of the Intelligence Branch, C. I. D., have been posted to watch the affairs of this Club?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not that I am aware of.

Mr. SIBNATH BANERJEE: With reference to (*b*), will the Hon'ble Minister be pleased to consider the desirability of finding out whether they are carrying on any pro-Nazi propaganda?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think there is anything to justify our taking any such step in the matter.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister pleased to state if he is aware that political discussions are carried in that Club?

Mr. SPEAKER: That question does not arise.

Conduct of officers of the Cossimbazar Wards Estate in Gaibandha subdivision, Rangpur.

*270. **Maulvi ABU HOSSAIN SARKAR:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that officers of the Cossimbazar Wards Estate in the Gaibandha subdivision in the district of Rangpur are taking signatures from the tenants and *jotedars* residing in Haripur, Kapasia and other Union Boards on blank papers under compulsion?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what is the reason therefor?

(*c*) What steps, if any, do the Government propose to take in the matter?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) No.

(*b*) and (*c*) Do not arise.

Establishment of Criminal Investigation Department (Intelligence Branch), Bengal.

*271. **Maulvi ABDUL LATIF BISWAS:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing for the present time in respect of the Intelligence Branch of the Criminal Investigation Department, Bengal—

(*a*) the number of permanent Sub-Inspectors;

(*b*) the number amongst them who are (1) Hindus and (2) Muslims;

(*c*) the number of permanent Assistant Sub-Inspectors;

(*d*) the number amongst them who are (1) Hindus and (2) Muslims;

(*e*) the number of permanent watchers; and

(*f*) the number amongst them who are (1) Hindus and (2) Muslims?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not prepared, in the public interest, to supply the figures asked for by the hon'ble member; but for his information, I may inform him that the percentage of appointments, as between Hindus and Muhammadans, is as follows:—

	Hindus.	Muhammadans.
	Per cent.	Per cent.
Sub-Inspectors	91·6	8·4
Assistant Sub-Inspectors ..	77·7	22·3
Watcher constables	90·4	9·6

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state what is the difference between figures and percentage?

The Hon'ble Khwaja Sir NAZIMUDDIN: Figures give you the actual number of persons employed whereas percentage give you the relative position of Muslims and Hindus in the service.

Mr. ATUL KRISHNA GHOSE: With reference to (*e*), will the Hon'ble Minister be pleased to state whether there are any temporary watchers as well and if so, what are their functions?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to submit that since the issue of watchers is involved in this question, does it limit us to permanent watchers only? Is it your ruling?

Mr. SPEAKER: The original question was with regard to permanent watchers and reply to that has been given.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister kindly explain what is the significance of "public interest" due to which he is not willing to supply the figures asked for by the honourable member?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will refer the honourable member to the dictionary to find out the meaning of the expression "public interest".

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state why the percentage of Muslims is so low in this department?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to explain the significance of the expression "public interest"? I think it is not only the dictionary meaning of the expression that is meant but it means something else, namely, to hide the departmental affairs.

Mr. SPEAKER: That question does not arise.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state the percentage of the Scheduled Castes in this Department?

Mr. SPEAKER: That question does not arise. I may point out in this connection that although at the beginning of this session, I allowed such supplementary questions, now I find that the number of supplementary questions on the percentage of different communities is so numerous and the question of percentage of one community is so different from other communities, that I find it necessary to stick to certain rules in this regard. I shall be glad to admit separate questions on such matter.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to draw your attention to the fact that whenever any member of this House asks for any important information, the Hon'ble Minister evades the reply by saying that it affects public interest. So it is very difficult for us to interpret what sort of public interest it is. May we know if you will permit such important information to be shut out from the honourable members who are entitled to know them. The Hon'ble Minister is hoodwinking us in this respect.

Mr. SPEAKER: I have no information of the facts, so I cannot say whether he is hoodwinking or not.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to consider the desirability of enhancing the proportion of Muhammadans in this department?

Mr. SPEAKER: That question does not arise.

Recipients of scholarships for medical training in foreign countries.

*272. **Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Medical and Public Health Department be pleased to state how many students received scholarships for foreign training last year amongst—

(*i*) Caste Hindus;

(*ii*) Scheduled Castes; and

(*iii*) Muslims?

(*b*) Is it a fact that no Scheduled Castes candidates were selected?

(*c*) Is it also a fact that in the present year the Surgeon-General of Bengal did not recommend a single student of the Scheduled Castes for foreign training?

(*d*) How many scholarships are there in the present year for medical training in foreign countries?

(*e*) Are the Government considering the desirability of increasing the number so as to give at least four such scholarships to the students of the Scheduled Castes?

MINISTER in charge of the MEDICAL and PUBLIC HEALTH DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) There is no provision for scholarships for medical students for imparting foreign

training. The hon'ble member evidently means study leave granted to officers of the Bengal Medical Service. Study leave was granted in 1938 to three Muslim Bengal Medical Service officers and the ordinary leave of a caste Hindu Bengal Medical Service officer was converted into study leave as a special case.

(*b*) Yes. There was only one applicant belonging to the Scheduled Castes for such leave but he was ineligible, not having completed 5 years' service.

(*c*) No final recommendations have yet been made by the Surgeon-General.

(*d*) There is provision for study leave for three Bengal Medical Service officers in the present year.

(*e*) A scheme for giving facilities to an increased number of Bengal Medical Service officers for study abroad is under my consideration. The case of any applicant belonging to the Scheduled Castes will be sympathetically considered by me but no reservation as suggested seems to be possible.

Mr. ANUKUL CHANDRA DAS: With reference to (*b*) will the Hon'ble Minister be pleased to state if he is aware that the candidate who had not completed 5 years' service at that time has completed 5 years this year?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know how he stands at present, but he had not completed five years when he applied last year.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister pleased to say if it is possible for him to give out the name of the ndidate who applied for this foreign training?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Attachment of estates by Government in Dinajpur district under Cess Act.

*273. **Maulvi ABDUL JABBAR:** (*a*) Will the Hon'ble Minister in harge of the Revenue Department be pleased to state whether it is a act—

(*i*) that in the district of Dinajpur, estates are being attached under section 99 of the Cess Act; and

(*ii*) that their management is being taken over by Government?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the names of such attached estates; and

(*ii*) the periods of their attachment in each case?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) (*i*) and (*ii*)—

Names of estates.	Dates from which attached.
(1) Gobindapur	.. 25th September, 1937.
(2) Bahamankunda	.. 23rd April, 1934.
(3) Dakshineswar Debottar	.. 24th September, 1937.
(4) Jagadal	.. 23rd December, 1937.
(5) Jamalpur Wakf	.. 18th June, 1938.
(6) Kanchan	.. 21st June, 1938.
(7) Dinajpur Raj	.. 25th July, 1938.
(8) Haripur	. 6th September, 1938.
(9) Ghatabil	.. 15th December, 1938.

Mr. SERAJUL ISLAM: With reference to (*b*) (*i*) and (*ii*), will the Hon'ble Minister be pleased to state why the estate of Bahamankunda has been under attachment for such a long time?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Very likely a large amount of cess is in arrears.

Cess credited to District Fund from the Khas Mahals in Noakhali.

*274. **Mr. SYED ABDUL MAJID:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing for the years 1935-36, 1936-37 and 1937-38 in the district of Noakhali—

(*a*) the total amount of cess credited to the District Fund from the Khas Mahal;

(*b*) the approximate amount of the cess realised separately from the Khas Mahal estates of Sandwip, Hutiya and Ramgati circles;

(*c*) the amount paid to the District Board during the period by the Government as 1½ per cent. special grant for the construction and improvements of roads, etc., in the Khas Mahal area; and

(*d*) the amount actually spent by the District Board during the period for construction and improvements of the roads in the Khas Mahal area of the three islands (to be shown separately)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A statement is laid on the table.

Statement referred to in the reply to starred question No. 274.

	1935-36.			1936-37.			1937-38.		
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
(*a*) Total amount of cess credited to District Fund from Khas Mahal ..	40,961	0	2	46,076	12	10	31,620	0	4
(*b*) Amount of cess realised from the Khas Mahal circles of—									
Sandwip ..	7,668	8	3	6,999	3	4	5,384	13	11
Hatiya ..	8,951	15	0	9,612	5	4	7,787	0	4
Ramgati ..	12,053	13	9	12,932	14	5	9,788	3	5
(*c*) Amount paid to District Board as 1½ per cent. special grant for roads and communications in Khas Mahal areas ..	12,049	0	0	13,513	4	0	12,448	5	0
(*d*) Amount spent by District Board on roads and communications in the Khas Mahal area of—									
Sandwip ..	3,205	4	0	3,967	12	0	3,331	5	0
Hatiya ..	11,208	2	0	8,100	10	0	6,457	8	0
Ramgati ..	3,029	11	0	2,225	12	0	1,457	5	0

Relations between Bench and Bar in the Civil Courts of Pirojpur, Bakarganj.

***275. Srijut NARENDRANATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Judicial Department aware—

(*i*) that the strained relations between the Bench and the Bar in the Civil Courts of Pirojpur (district Bakarganj) has been continuing as such for several months past;

(*ii*) that representations have been made against the local Munsif and the ministerial staff by the Bar Association, Pirojpur; and

(*iii*) that the litigant public are finding it difficult to get justice?

(*b*) Is it a fact that the record in M. S. No. 2783/38 of the 2nd Munsif Court, Pirojpur, has been missing for some time?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have been taken to trace the record?

(*d*) If no steps have yet been taken, do the Government consider it desirable to take proper steps in this matter?

(*e*) What steps have the Government taken or do they propose to take for restoration of the moral atmosphere at Pirojpur in the interest of the litigant and public in general.

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): By the courtesy of the Hon'ble the Chief Justice I am able to reply as follows:—

(*a*) (*i*) Yes. Relations were strained in June, 1938, but in December, 1938, the District Judge, Bakarganj, reported an easing of the tension.

(*ii*) Yes: the local Bar Association made representations against the Munsifs at Pirojpur to the District Judge, Bakarganj. The High Court has no information of any representation against the ministerial staff.

(*iii*) No. The District Judge reported in December, 1938, that "except for the soreness of feeling suffered by three or four junior pleaders the litigant public in general and the Bar as a whole were not suffering".

(*b*) The Court has no information.

(*c*) and (*d*) Do not arise.

(*e*) The District Judge has been asked to report in the matter when he has finally dealt with the representations of the Bar Association. His report is awaited.

Mr. SURENDRA NATH BISWAS: With reference to answer (*a*) (*ii*), will the Hon'ble Minister be pleased to state what were the grievances of the Bar Association against the Munsifs?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I want notice.

Mr. DHIRENDRA NATH DATTA: With reference to answer (*b*) that the Court has no information, will the Hon'ble Minister be pleased to state whether the Court referred to therein is the 2nd Munsif's Court?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: No, the High Court.

Sj. NARENDRA NATH DAS GUPTA: With reference to answer (*iii*) will the Hon'ble Minister be pleased to state if he thinks that the whole of the local Bar Association was not affected?

Mr. SPEAKER: That is a matter of opinion.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if the High Court was informed of the fact that the record of the Case No. 2783/38 was missing when this question was put?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The High Court has no information that it is missing. It may be there even now and the information that I am getting may be wrong.

Mr. DHIRENDRA NATH DATTA: My question was whether the allegation that the record of a particular case in the Second Munsif's Court had been missing was brought to the notice of the High Court by the Hon'ble Minister?

Mr. SPEAKER: You want to know whether a copy of the allegation was sent to the High Court.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I take full responsibility for the answer given here, but I believe the High Court is perfectly right when it says that it has got no information. If anybody has been affected by missing of any document he may apply for a copy and if he does not get it he may bring it to the notice of the High Court. Probably Mr. Dutt has not read the first part of the answer where I say that by the courtesy of the Hon'ble the Chief Justice I am able to reply as follows.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether he is in possession of the fact that led to the relations being strained between the Bench and the Bar?

Mr. SPEAKER: That question does not arise

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether any enquiry was made from the Munsif of Pirojpur about the allegation that the record of the Munsif's Court was missing?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: You ought to know that this is the business of the High Court. All judicial work is directly under the control of the High Court and not of the executive department. The High Court was referred to by us and the information we give is nothing but a copy of what we have received from the High Court.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to have an enquiry made as to whether the document referred to was missing or not?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: My friend wants me to interfere in a judicial affair. If he will give me all the power to do so I will gladly exercise that power, but I believe legislation is necessary.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if the missing of a record of a case is a judicial matter?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Of course.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state the reason for the soreness of feeling suffered by three or four junior pleaders?

Mr. SPEAKER: That question does not arise.

Fish scarcity in Bengal.

*276. **Mr. AMRITA LAL MONDAL:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Veterinary Department aware—

(*i*) that fish is one of the principal food of the people of Bengal; and

(*ii*) that fish is gradually becoming scarce?

(*b*) If the answer to (*a*) is in the affirmative, do the Government contemplate undertaking legislative measures with a view to removing the scarcity?

MINISTER in charge of the AGRICULTURE and VETERINARY DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) Yes.

(*ii*) No. I am not aware of any scarcity.

(*b*) In his report, which is now under consideration, the Fishery Expert who made a survey of Bengal fisheries last year has indicated that certain legislative measures may be desirable for the better development and conservation of the sources of our fish supply. His recommendations are being examined and Government propose to take suitable action when final decisions have been reached.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether in the district of Faridpur there is any scarcity or not?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is a relative term, Sir. Sometimes there is scarcity, sometimes there is abundance.

Mr. SPEAKER: Does the scarcity affect you or Mr Tamizuddin Khan?

Babu NAGENDRA NATH SEN: Both

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if there is any non-official Bill before this House for the development of fishery in the province?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes.

Maulvi ABDUL BARI: Will the Hon'ble Minister be prepared to tell us if the provisions of that Bill will serve the purpose of bettering the condition of fishery?

Mr. SPEAKER: That question does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state when the report referred to in (*b*) is expected and whether it will be available to the general public or only to the members of the legislature?

The Hon'ble Mr. TAMIZUDDIN KHAN: The report has already been submitted. Whether it will be available to the public I cannot say off-hand.

Babu NAGENDRA NATH SEN: When will it be published?

The Hon'ble Mr. TAMIZUDDIN KHAN: I cannot say off-hand.

The Provincial Hindu Conference in Khulna and conduct of Muhammadan processionists on the occasion.

*277. **Sj. NARENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware that on the 19th February, 1939, just after the Bengal Provincial Hindu Conference was over, a Muhammadan procession moved round the conference *pandal* shouting slogans "Death unto Hindu Mahasabha", "Death unto Savarkar", "Death unto Moonje", when Dr. Moonje had been addressing a vast Hindu audience inside the *pandal*?

(*b*) Did the procession secure any police licence?

(*c*) If so, why did not the police regulate the route and stop slogans?

(*d*) If the procession did not secure any licence, why did not the authority stop it or take steps against any breach of the peace?

(*e*) Is it a fact that the procession was led by two Muslim M.L.A.'s.?

(*f*) Is it a fact—

(*i*) that petition for licence was refused;

(*ii*) that the procession was organised; and

(*iii*) that the police did not take any steps against the organisation?

The Hon'ble Khwaja Sir NAZIMUDDIN: It appears that on the 19th February, 1939, the District Magistrate was informed by a letter that a procession would be led along certain route in Khulna, the route selected passing by the side of the *pandal*. The District Magistrate informed those who proposed to take out the procession that no procession could start without permission. Permission was ultimately given to take out the procession by a route which would avoid the *pandal* where the Bengal Provincial Hindu Conference was being held and it was decided that a procession licence would be issued for that route. While this decision was being arrived at the procession composed of some 3,000 Muhammadans started and passed the *pandal*. Both Maulvi Abdul Hakim, M.L.A., and Khan Sahib Samsher Rahman, ex-M.L.C., were observed in the procession. The persons in the procession shouted the following slogans: "Hindu Mahasabha dhangsa houk", "Savarkar Dhangsa houk", "Moonje dhangsa houk". The procession was not stopped as the officers on the spot were unaware of the results of the discussions that were being held with regard to the taking out of the procession.

The Inspector-General of Police has ordered an enquiry to be held.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether the officer in charge asked for the licence to be shown to him?

The Hon'ble Khwaja Sir NAZIMUDDIN: The matter is under enquiry.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the procession in question was taken out without a licence?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to my answer.

Dr. NALINAKSHA SANYAL: Do the Government consider the desirability of proceeding legally against those persons responsible for taking out the procession without a licence as they did against the persons who took out the Burdwan procession for Kali immersion?

Mr. SPEAKER: The latter part of your question does not arise.

Dr. NALINAKSHA SANYAL: The first part is there. Won't the Government consider the desirability of proceeding legally against those persons responsible for taking out the procession without a licence?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is difficult to express an opinion until the report of the Inspector-General of Police is available.

Dr. NALINAKSHA SANYAL: It is admitted that the procession was taken out without a license.

Mr. SPEAKER: The Hon'ble Minister in effect says that it is very difficult to come to a conclusion until the report of the Inspector-General of Police is available.

Sj. NARENDRA NATH DAS GUPTA: Was it not the express intention of the District Magistrate that no procession could start without permission and was not the procession taken out in violation of his express desire?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that until Government are in full possession of all the facts it is very difficult to express an opinion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is Government policy to examine propositions through departmental report and to postpone the operation of law in cases where some members of the Coalition Party are involved?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether the fact which he admitted that the procession had started without the consent of the local police and that the police took no action against the processionists, was not sufficient to call for an explanation from the police of Khulna?

Mr. SPEAKER: I am very sorry to say that though your intention is in order, the form of your question is not in order. The long and short of your question is why no action was taken.

Mr. ATUL KRISHNA GHOSE: Besides that I want to include this. The Hon'ble Minister has already admitted that the police knew that the procession came without a license and yet they did not take any action.

Mr. SPEAKER: In other words, why was not action taken by the police in spite of this statement of fact?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already stated the Inspector-General of Police has called for a report as to how this had happened and until that report is obtained no action can be taken.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what are the points of enquiry which have been ordered by the Inspector-General of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it was not the duty of the police officer to stop the procession when it was passing by him?

Mr. SPEAKER: That question does not arise

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state, whether the police took any steps to disperse the procession?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said it is very difficult to state what exactly happened, but evidently there has been a mistake made and I am not in a position to give any information until I have seen the report of the Inspector-General of Police.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what are the additional facts which he wants to have elicited besides those mentioned in his statement before he proceeds to take action?

Mr. SPEAKER: That question has been answered.

Sj. NARENDRA NATH DAS GUPTA: Knowing that the District Magistrate did not permit the procession why did not the police officer stop that procession?

Mr. SPEAKER: That question does not arise, because the police did not know what transpired.

Sj. NARENDRA NATH DAS GUPTA: Knowing that the District Magistrate did not give any permission, when they were taking out the procession by that route, I mean by the side of the *panda*., it was incumbent on the part of the police officer to stop it then and there.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the whole matter was being discussed in the bungalow of the District Magistrate and the police officers on duty were not aware as to what had been decided there.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether the discussion in the District Magistrate's bungalow does away with the necessity of taking out a procession with a licence?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly not, but as I have said they were trying to come to an amicable settlement. It was known to the officers that an amicable settlement was being attempted and therefore very likely there might have been some mistake made, and perhaps they might have thought that these people might have obtained some permission.

Daulatpur Agricultural Institute.

*278. **Mr. ABDUL HAKEEM:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Veterinary Department be pleased to lay on the table a statement showing for the Daulatpur Agricultural Institute—

(*i*) the expenditure incurred up till now;

(*ii*) the number of students under training at present at the Institute;

(*iii*) the districts they come from;

(*iv*) the number of Muslim students at the Institute;

(*v*) the names and qualifications of the teachers of the college and their pay; and

(*vi*) the monthly average expenditure incurred for all purposes as against any income from whatever source?

(*b*) Are there any special facilities for the Muslim students?

(*c*) If so, what are those facilities?

(*d*) How do Government propose to popularise the institution?

(*e*) Have the Government received an application from the Principal of the Institute?

(*f*) If so, what is his prayer in the application?

(*g*) Are the Government considering the desirability of creating stipends (special or otherwise) to attract Muslim students?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) A statement is laid on the table.

(*b*) There are no special facilities for Muslim students. All students have equal facilities.

(*c*) and (*f*) Do not arise.

(*d*) There appears to be no necessity for Government action in this behalf. Considering that the Institute is still in its early infancy the progress so far is not unsatisfactory.

(*e*) No.

(*g*) Not at present.

Statement referred to in the reply to starred question No. 278.

(*a*) (*i*) Rs. 2,45,677, viz.—

Cost of land—Rs. 66,372.

Cost of buildings—Rs. 1,59,086.

Establishment and running expenses—Rs. 20,219.

(*ii*) 29.

(*iii*)

District.	Number of students.
Khulna	... 10
Barisal	... 4
Jessore	... 2
Dacca	... 5
Burdwan	... 1
Murshidabad	... 2
Mymensingh	... 1
Sylhet	.. 2
Chittagong	. 1
Faridpur	.. 1
Total	... 29

(*iv*) 5.

(*v*) Names and qualifications of the teachers—

	Pay Rs
Mr. S. P. Bose, B.Sc. (Wales) in Agriculture, with about 5 years' experience in India—Principal	200
Babu Dinesh Chandra Das. Holds the Indian diploma and 10 years' experience in the Calcutta Co-operative Milk Union—Professor of Dairying ...	100
Babu Nirmal Chandra Mazumdar, B.Ag. of Poona. Worked as Agricultural Expert in Sir Daniel Hamilton's Farm at Gosaba and has considerable experience in teaching—Professor of Agriculture ...	100
Babu Hemendra Kumar Sen, B.Ag. (Nagpur), Specialised in Horticulture—Professor of Horticulture ...	100
Babu Rabindra Nath Shome, Graduate of the Bengal Veterinary College ...	60

(*vi*) Rs. 1,000 approximately against an average monthly income of approximately Rs. 500.

Local Board Elections in Midnapore district.

*279. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state why out of the five subdivisions in Midnapore, the Local Board election took place in four subdivisions?

(*b*) Why no election was held in the Jhargram subdivision?

(*c*) Is the Hon'ble Minister aware that on the day of the scrutiny the Returning Officer declared that the election from the Jhargram subdivision was postponed?

(*d*) Will the Hon'ble Minister be pleased to state what were the special reasons for such postponement?

(*e*) Will the Hon'ble Minister be pleased to state what are the reasons for the continuance of the present District Board for an indefinite period?

(*f*) Will the Hon'ble Minister be pleased to state when the constitution of the new District Board is likely to be effected.

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Khwaja Nawab Habibullah Bahadur, of Dacca): (*a*) to (*d*) The election to the Local Board in the Jhargram subdivision had to be postponed as Government were advised that a considerable part of the subdivision being covered neither by Panchayati Unions nor by Village Self-Government Unions, no valid electoral roll could be prepared and published, under rule 23 of the Election Rules under the Local Self-Government Act, for holding the election in this subdivision and that any election held on the basis of an illegal roll would be invalid.

(*e*) The District Board cannot be reconstituted until the reconstitution of all the Local Boards in the district is complete.

(*f*) Government are considering the measures to be taken with a view to expediting the reconstitution of the Jhargram Local Board and the District Board will be reconstituted as soon as possible after the reconstitution of the said Local Board

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state when the last Local Board election was held?

The Hon'ble Mr. H. S. SUHRAWARDY: I want notice.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state if he is aware that rule 22 of the Local Self-Government Rules applies only to the publication of the electoral roll?

Mr. SPEAKER: As the Hon'ble Minister in charge is not present here, I think the supplementary questions may be postponed till to-morrow.

The Hon'ble Mr. H. S. SUHRAWARDY: I am prepared to answer supplementary questions based on facts, but I can hardly reply to any question relating to interpretation of law.

Mr. NIKUNJA BEHARI MAITI: Rule 22 says that the list of voters shall be prepared at the office of the union concerned, and rule 23 is concerned only with the publication of the voters' list and not its preparation. The relevant rule is 22. I am therefore asking the Hon'ble Minister if he is aware of the fact that rule 22 relates to the preparation of the voters' list.

The Hon'ble Mr. H. S. SUHRAWARDY: The hon'ble member may have legal advice in the matter.

Mr. P. BANERJI: Is the Hon'ble Minister aware that the electoral roll so far as the Jhargram subdivision is concerned, had already been prepared?

The Hon'ble Mr. H. S. SUHRAWARDY: I think no valid electoral roll could be prepared because there were no panchayeti unions nor village self-government unions.

Mr. KISHORI PATI ROY: Will the Hon'ble Minister be pleased to state whether any legal advice was taken?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir, legal advice has been taken.

Mr. KISHORI PATI ROY: May we know, Sir, whether the Advocate-General was consulted?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think we went as far as that, but we have taken the advice of our legal advisers.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to give us an approximate idea of the time by which a reconstitution of the board is possible?

The Hon'ble Mr. H. S. SUHRAWARDY: Even if steps were taken to amend the rules now, the elections cannot be held before 9 months pass under the rules. As to what should be the constitution of the new rules, it has not yet been decided. I may inform the hon'ble

member that the Chaukidari Committee is also considering the question regarding the establishment of village self-government unions in Jhargram subdivision, and I think that interference is not desirable until the report of the Chaukidari Committee is published.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state if the whole matter is being delayed on account of the establishment of union boards in that area?

The Hon'ble Mr. H. S. SUHRAWARDY: I cannot go as far as that, but it depends largely on the report that the Chaukidari Committee will submit.

Frequent changes of text-books in primary and secondary schools.

***280. Dr. SHARAT CHANDRA MUKHERJEE:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) of the frequent change of text-books in the primary and secondary schools;

(*ii*) that students of those institutions have to purchase new books every year; and

(*iii*) that students who are not promoted to higher classes are also required to purchase new books?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of taking steps in the matter to reduce the educational expenses of middle class and poor boys?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Books are chosen by the authorities of the schools and not by Government. Instructions are being issued to all Government and Government-aided schools that changes in text-books for individual classes must not be made more frequently than once every four years without the approval of the Inspector of Schools. Government have no control over unaided schools.

(*b*) Does not arise.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state if he is aware that books have to be selected by the school authorities from out of the lists approved by the Director of Public Instruction and whether it is a fact that frequent change in the list of approved text-books necessitates frequent change in the text-books of schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have received complaints to that effect, and I am examining the whole question.

Mr. PROMATHA RANJAN THAKUR: Is the Hon'ble Minister aware that if the text-books are not frequently changed, teachers do not take any interest in teaching?

Mr. SPEAKER: That question does not arise.

Surgeon Superintendent of Mayo Hospital, Calcutta.

***281. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Medical and Public Health Department be pleased to state—

(*i*) whether recently the post of the Surgeon Superintendent to the Mayo Hospital was thrown open to independent medical practitioners and advertisement sought for the same; and

(*ii*) whether there were suitable Indian candidates for the post?

(*b*) Will the Hon'ble Minister be pleased to state the name and qualification of the person who has been appointed?

(*c*) Is the Hon'ble Minister aware that there is a feeling over the non-appointment of an Indian to the post?

(*d*) Are the Government considering the desirability of investigating into the matter and of taking steps that in future claims of suitable Indian candidates are considered?

The Hon'ble Mr. TAMIZUDDIN KHAN: The Mayo Hospital is not a State institution but a prviate institution to which Government make an annual grant-in-aid. The management of the institution vests entirely in the Board of Governors and Government are not, therefore, in any way responsible for appointments of members of the staff of this institution. Recently there was a vacancy in the post of Surgeon Superintendent to the Mayo Hospital which was hitherto occupied by Lt.-Col. Kirwan in accordance with a very old arrangement and I am informed that the Board of Governors have appointed Dr. F. H. B. Norrie, M.B., CH.M. (Aberdeen), F.R.C.S., (Edin), M.D. (Aberdeen), O.B.E., from amongst many candidates including several Indians.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the post of Surgeon-Superintendent of Mayo Hospital was vacant as a result of certain action taken by the Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not aware of that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the Board of Governors of this institution require the approval of Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: That may be so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that there are a number of *ex-officio* members on the Board including the Chief Justice and the Surgeon-General?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that some of these *ex-officio* members who were also Government servants, were responsible for this appointment?

Mr. SPEAKER: That question does not arise

Dr. NALINAKSHA SANYAL: I submit, it does, Sir. Government have responsibility in the formation of this Board and some members who are on the Board are functioning there as *ex-officio* members and therefore their action is the action of the Government; they are not there as individuals but in their capacity as Government officials.

Mr. SPEAKER: I am sorry, I cannot agree with you.

Dr. NALINAKSHA SANYAL: Sir, my submission is that it is a very important question of principle. If Government servants are functioning there, they are doing so not as individuals but because of their official position, and therefore their action comes within the purview of the Legislature, and certainly the Hon'ble Minister can reply to that.

Mr. SPEAKER: I quite realise your point. But I do not think that under the present Constitution I can make the Government responsible for the action of any official member nominated by Government to any Board.

Dr. NALINAKSHA SANYAL: Does the Hon'ble Minister consider the desirability of revising the conditions for the grant to this institution in view of the facts mentioned in the representation to the Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that there were very many reputed Indian Surgeons who were applicants for that post, and that their claims were not properly examined by the Board and that the Board practically conspired to put in Dr. Norrie?

Mr. SPEAKER: I am sorry, that is a reflection on the conduct of the Board.

Dr. NALINAKSHA SANYAL: I am reflecting on the conduct of the Chief Justice also, not as Chief Jutsice but as a member of this Board. If the Chief Justice has functioned as a judge, we cannot question his judgment, but when he is acting not in the capacity of a judge but as a member of a board and does something which is against public interest, I submit that his action can be questioned.

Mr. SPEAKER: You cannot, I am afraid, do that. That is a question of interpretation.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are considering the desirability of reconstituting the Board and revising the rules regarding grant of money to this institution?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already answered that question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that in the Mayo Hospital by far the largest number of contributors are Indians and the members are mostly Indians, and those who are recipients of medical aid in that medical institution are also Indians?

The Hon'ble Mr. TAMIZUDDIN KHAN: Largely so.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state what was the number of Indian candidates for the post and the number of Indian candidates who were granted interviews?

The Hon'ble Mr. TAMIZUDDIN KHAN: There were several Indian candidates.

Mr. SYED JALALUDDIN HASHEMY: I want the exact number.

The Hon'ble Mr. TAMIZUDDIN KHAN: I cannot give the exact number off-hand.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to tell us the amount of annual grant given to this hospital by Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: Rs. 35,042.

Dr. NALINAKSHA SANYAL: With reference to that portion of the answer relating to the qualifications of the new Superintendent, will the Hon'ble Minister be pleased to state if it is a fact that this doctor was serving in a European Jute Mill and that he was sacked from there for misconduct?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: All right, Sir, the "misconduct portion" of my question may be left out. (Laughter.)

Mr. SPEAKER: That is not the only thing. Your question must arise out of the original question.

Dr. NALINAKSHA SANYAL: My question is this: As regards the qualifications of the new Superintendent, the Hon'ble Minister says in his answer that he is an M.B., Ch.M. (Aberdeen), etc. I submit that, apart from that, he has got another qualification, viz., that he was serving in a European Jute Mill. That is his best qualification, and I also say, Sir, that he was sacked

The Hon'ble Mr. H. S. SUHRAWARDY: I submit, Sir, that it is only fair to point out that Dr. Norrie enjoys a very great reputation. (Laughter.)

Union Board dispensaries of Rangpur.

*282. **Mr. SHAH ABDUR RAUF:** Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state—

(*a*) how many Union Board dispensaries are there in the district of Rangpur;

(*b*) which of them, if any, have received Government grant in the current year; and

(*c*) how much each of the dispensaries has got?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Twenty-five.

(*b*) and (*c*) Eighteen Union Board dispensaries have received grants from Government in current year at the rate shown against each in the statement laid on the table.

Statement referred to in the reply to clauses (b) and (c) of starred question No. 282.

	Rs.
Saidpur	500
Fulchari	500
Barahazratpur	250
Mirganjhat	250
Chaitrakole	250
Birat	250
Nakaihat	250
Debpur-Durganath	250
Kamdia	250
Badiakhali	250
Gagla	250
Kutubpur-Nahalipara	250
Balua-Baroala	250
Tambulpur	250
Itkumari	250
Hatibandha	250
Mogalhat	250
Bonarpara	250

Mr. SHAH ABDUR RAUF: Will the Hon'ble Minister be pleased to state why the rest of the union board dispensaries were not given any grants?

The Hon'ble Mr. TAMIZUDDIN KHAN: Most probably because their applications have not been considered by the Civil Surgeon.

Mr. SHAH ABDUR RAUF: In view of the fact that the Hon'ble Minister is sympathetic towards union board dispensaries, will he please sanction some funds to them?

Mr. SPEAKER: That is a request for action.

Matriculation District Scholarships to Noakhali district.

*283. **Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the number of recognised high English schools in the districts of Murshidabad, Pabna, Rangpur, Nadia and Noakhali; and

(*ii*) the number of district scholarships awarded on the results of the Matriculation Examination and allotted to those districts?

(*b*) Is the Hon'ble Minister aware that the number of high English schools in the Noakhali district has increased in recent years?

(*c*) If so, are the Government considering the desirability of allotting two scholarships to the Noakhali district as before?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) The total number of recognised high schools during the year 1938 in the districts was Murshidabad 27, Pabna 31, Rangpur 21, Nadia 39 and Noakhali 38.

(*a*) Third grade junior scholarships are allotted by Divisions and their distribution among the districts of a Division varies every year according to the number of passes in the first division from each district in the preceding year. The number of scholarships allotted to the districts in 1938 was as follows:—

Murshidabad	...	...	...	2
Pabna	...	...	...	2
Rangpur	...	...	.	2
Nadia	...	...	...	2
Noakhali	..	...	..	1

(*b*) Yes.

(*c*) The question does not arise in view of the answer to (*a*) (*ii*).

Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister be pleased to consider the desirability of distributing the third-grade junior scholarships allotted to each Division, district by district, not according to the percentage of passes from each district, but according to the number of schools in each district?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I could not follow the question.

Mr. SPEAKER: He says that under the present system scholarships are granted according to the number of passes in each district and he

wants you to consider the desirability of granting scholarships according to the number of schools and not according to the number of passes. That is your question—is it not, Mr. Sur?

Mr. HARENDRA KUMAR SUR: Yes, Sir.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I cannot give an answer off-hand. I must consult the departmental officers.

Fines realised for petty cases in Police Courts, Calcutta.

***284. Dr. SURESH CHANDRA BANERJI:** Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to lay on the table a statement showing for the years 1936-37, 1937-38 and 1938-39, fines realised for petty cases from—

(1) Hawkers,

(2) Rickshaw-pullers, and

(3) Bullock cart drivers; and

in the—

(1) Bankshall Police Court,

(2) Jorabagan Police Court,

(3) Sealdah Police Court, and

(4) Alipore Police Court?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: *Bankshall and Jorabagan Police Courts.*—Figures for fines realised from (1) hawkers, (2) rickshaw-pullers, and (3) bullock cart drivers are not available as these are not separately kept.

Hawkers and bullock cart drivers are generally fined under section 66 of the Calcutta Police Act.

Total fines realised in petty cases in North Division Court are shown below—

	Rs.	a.	p.
1936-37	35,347	0	9
1937-38	32,886	15	9
1938-39 (up to December 1938)	19,198	14	9

Figures for South Division are not available as these are not separately kept, but are shown in the registers along with judicial fines in serious cases.

Rickshaw-pullers are fined under the Hackney Carriage Act (I of 1919).

Total figures of fines realised under that Act are shown below—

South Division.

	Rs.	a.	p.
1936-37	13,758	1	3
1937-38 ...	12,402	6	9
1938-39 (up to December 1938)	5,949	9	3

North Division.

1936-37	6,150	8	3
1937-38 ...	5,745	14	6
1938-39 (up to December, 1938) ...	2,258	4	9

Sealdah Police Court.

	1936-37.	1937-38.	1938-39.
	Rs.	Rs.	Rs.
Hawkers ...	8,281	7,741	6,928
Rickshaw-pullers* ..	3,272	2,683	1,040
Bullock cart drivers† .	2,951	2,370	1,844

Alipore Police Court.

	1936-37.	1937-38.	1938-39.
	Rs.	Rs.	Rs.
Hawkers ...	7,515	6,992	6,792
Rickshaw-pullers* ...	1,055	1,030	836
Bullock cart drivers† ...	5,269	4,524	3,621

*Figures in this line include the fines realised from hackney carriage drivers also as separate figures are not available.

†Fines realised from buffalo cart drivers are also included in the figures in this line as separate figures for bullock carts are not available.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what are the general charges against the rickshaw-pullers for which they are charged?

Mr. SPEAKER: Do you mean to say that there is a schedule of fines?

Mr. SURENDRA NATH BISWAS: No, Sir. I want to know what are the charges for which they are convicted.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: You can go to a court and find out for yourself what are the charges. (Laughter.)

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what are maximum and minimum fines which are imposed on the rickshaw-pullers?

Mr. SPEAKER: That is given in the Act itself.

Mr. SURENDRA NATH BISWAS: So much fine has been realised from rickshaw-pullers that they may extend up to Rs. 1,000. That is not my point. I only want to know what are the maximum and minimum fines which are imposed on rickshaw-pullers.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I again repeat my request that the hon'ble member should go to a court and find it out for himself. (Laughter.) (Rai HARENDRA NATH CHAUDHURI: That is a request for action!) (Laughter.)

Dr. SURESH CHANDRA BANERJI: মাননীয় মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি আলিপুর পুলিশ কোর্টে ও শিয়ালদা পুলিশ কোর্ট এই সব জরিমানা আলাদা কোরে রাখা হয় কিন্তু বাংশাল পুলিশ কোর্টে এবং জোড়াবাগান পুলিশ কোর্টে এই জরিমানার Account কেন আলাদা কোরে রাখা হয় না?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: These are matters of account. Money is there.

Dr. SURESH CHANDRA BANERJI: আমি জানতে চাই—কেন রাখা হয় না, এবং ভবিষ্যতে রাখা হবে কি না?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: That is the practice.

Dr. SURESH CHANDRA BANERJI: মাননীয় মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি ভবিষ্যতে বাঙ্কশাল পুলিশ কোর্টে ও জোড়াবাগান পুলিশ কোর্টে হিসাব আলাদা কোরে রাখা হবে কি না?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I will try.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Muslim Superintendents and Bench clerks in the Calcutta High Court.

97. Mr. ABDUL HAKEEM: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state the present number of—

(1) Muslim Superintendents,

(2) Bench clerks and

(3) Assistant Bench clerks,

in the High Court on the Appellate Side?

(*b*) What has so far been the basis for such appointments?

(*c*) What steps, if any, do the Government propose to take for more number of Muslim appointments in these cases?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) These appointments are made by the Hon'ble the Chief Justice who has kindly supplied the following information:—

(1) Two.

(2) None.

(3) None. One assistant is acting as Assistant Bench Clerk having qualified himself for the post. But he has not been formally so appointed as he would lose in emoluments.

(*b*) Appointments to posts of Superintendents and Bench clerks are ordinarily made by promotion from permanent assistants and assistant Bench clerks, respectively, regard being had to seniority and merit and, in the case of Bench clerks, to a test in shorthand, typewriting and duties of Bench clerks, while appointment to posts of assistant Bench clerks is ordinarily made from among Lower Division assistants of the Court upon the result of tests in shorthand and typewriting.

(*c*) There being no direct recruitment to the above posts the question of communal representation does not arise.

Infant mortality in Tippera district.

98. Maulvi MAFIZUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state—

(*i*) the number of infant deaths in the district of Tippera last year; and

(*ii*) the causes of such deaths?

(*b*) Is the Hon'ble Minister aware that there is not a single trained midwife in the rural areas of Tippera?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering the desirability of appointing trained midwives for each thana of Tippera?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) (*i*) 15,136 up to November, 1938. Correct figures for December are not yet avalable.

(*ii*) The causes of infant mortality are generally the same in the district of Tippera as in other districts. The heavy mortality among infants is due to immaturity, ignorance of the mother, improper feeding, exposure of infants to insanitary environments which give rise to tetanus, bowel complaints, malaria, small-pox and measles. Many deaths are due to premature birth and debility as well as to ignorance, superstition and neglect.

(*b*) Since 1933, one hundred and ninety-six indigenous *dais* have been trained by the District Board of Tippera with grants-in-aid from Government.

(*c*) The appointment of trained midwives at thana headquarters falls primarily within the sphere of responsibility of the District Board concerned. The solution of the problem of infant mortality in the rural areas lies generally in the spread of maternity and child welfare clinics and centres.

The whole matter is under my consideration.

Water-hyacinth pest in Arial bil area, Munshiganj, Dacca.

99. Mr. DHANANJOY ROY: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Veterinary Department aware—

(*i*) that paddy in large quantities is grown annually in the Arial *bil* area within Munshiganj subdivision in the district of Dacca;

(*ii*) that water-hyacinth pest causes havoc every year to the paddy of this *bil* area;

(*iii*) that the Hon'ble Nawab Bahadur of Dacca, the then Minister of Agriculture, inspected the area;

(*iv*) that assurance was given to the local public that steps are being taken to prevent the depredation of water-hyacinth by constructing barricades;

(*v*) that the cultivators have grown paddy on the strength of that assurance; and

(*vi*) that the rush of water begins to flow in the *bil* area in the early part of April?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the construction of barricades has been taken up?

(*c*) If the construction has not been taken up, will the Hon'ble Minister be pleased to state what steps does he propose to take in the matter?

The Hon'ble Mr. TAMIZUDDIN KHAN: The member is referred to the reply given by me in reply to starred question No. 247 by Mr. Manoranjan Banerji on the 22nd March, 1939.

Offences against women by Hindus and Muslims.

100. Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay a statement on the table showing for each of the last five years—

(*a*) the number of offences committed against women mentioning separately the number of—

(*i*) Hindu and Muslim victims in such cases, and

(*ii*) the number of Hindu and Muslim accused in such cases;

(*b*) the number of cases—

(*i*) reported, and

(*ii*) that ended in conviction;

(*c*) whether the persons who housed and sheltered victims or offenders in such cases were proceeded against as abettors; and

(*d*) if not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN:

		1934.		1935.		1936.		1937.		1938.	
		Hindus.	Muslims.	Hindus.	Muslims.	Hindus.	Muslims.	Hindus.	Muslims.	Hindus.	Muslims.
(*a*)	(*i*) ..	394	425	375	440	428	425	393	484	482	515
	(*ii*) ..	477	1,026	439	963	527	907	512	953	565	1,278

		1934.	1935.	1936.	1937.	1938.
(*b*)	(*i*) ..	825	856	867	893	1,015
	(*ii*) ..	297	294	307	325	273

(*c*) Abettors were proceeded against where evidence was available.

(*d*) Does not arise.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether Government realise the gravity of the situation having regard to the figures given in the answer to the question and, if so,——

Mr. SPEAKER: I have just now ruled that where a question does not want the reason or any other matter it should be confined to statistics. So, you can ask questions about statistics but not on the point of the substance.

Rai HARENDRA NATH CHAUDHURI: All right, Sir. I submit that my question (*c*) has not been answered. My question was "whether the persons who housed and sheltered victims or offenders in such cases were proceeded against as abettors" and the Hon'ble Minister's answer is "Abettors were proceeded against where evidence was available". Quite a different answer has been given, and I submit that it is beside the point raised in my question.

The Hon'ble Khwaja Sir NAZIMUDDIN: All those who come within the classification of "abettors" wherever evidence is available have been proceeded with.

Rai HARENDRA NATH CHAUDHURI: I still maintain, Sir, that my question has not been answered. My question is "whether the persons who housed and sheltered victims or offenders in such cases were proceeded against as abettors"—this question has not been answered.

The Hon'ble Khwaja Sir NAZIMUDDIN: Wherever they come under the category of "abettors" and where evidence was available, they were proceeded against.

Mr. ATUL KRISHNA GHOSE: With reference to (*a*) (*i*) and (*ii*), in view of the statistics for the year 1938 in which the Hon'ble Minister says that the numbers of accused were 515 and 1,278, respectively, and in view of this serious situation, will the Government consider the desirability of issuing strict orders so that such cases may be decreased or may be attended to properly?

Mr. SPEAKER: That question does not arise.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state what is the number of reported cases in which Muhammadans were accused and also the number in respect of the Hindus?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Jute cess.

101. Maulvi MD. ISRAIL: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that jute cesses are levied and realised in addition to export duties by the Calcutta Improvement Trust?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the annual income from this source for the last 10 years, year by year; and

(*ii*) whether any portion of this money is spent for the benefit of the jute-growers?

(*c*) If the answer to (*b*) (*ii*) is in the negative, are the Government considering the desirability of taking over the entire money and earmarking it for the benefit of the jute-growers?

(*d*) Was any step previously taken in this direction?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

The Hon'ble Mr. H. S. SUHRAWARDY for the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca: (*a*) Under section 84 of the Calcutta Improvement Act, 1911, an export duty on jute is levied on behalf of the Calcutta Improvement Trust.

(*b*) (*i*) A statement is laid on the table.

(*ii*) and (*d*) No.

(*c*) and (*e*) As the export duty on jute is a Central subject, the Provincial Government have no power under the law to divert the proceeds of the duty to any object other than that for which it is being levied.

Statement referred to in the reply to clause (b) (i) of the unstarred question No. 101, showing the annual income of the Calcutta Improvement Trust for the last ten years from the export duty on jute.

Year.	Rs.
1928-29	12,12,598
1929-30	14,31,180
1930-31	10,89,742
1931-32	9,92,926
1932-33	9,12,232
1933-34	10,55,231
1934-35	9,98,114
1935-36	11,37,319
1936-37	11,55,462
1937-38	13,74,300

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to consider the desirability of moving the Central Government to divert the proceeds of the duty on jute for the benefit of the jute-growers?

Mr. SPEAKER: That question does not arise.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state if the Government of Bengal will ask the Central Government to set apart something for Bengal as they have done in the case of jute export duty?

The Hon'ble Mr. H. S. SUHRAWARDY: There is no hope for that. This is a statutory levy which is set apart by Statute for a particular purpose. I may point out to the honourable member that when this levy was permitted by the Secretary of State on the 14th February,

1908, it was on condition that the scheme of taxation embodied in the Act should remain effective for the full term of 60 years and on this basis the Calcutta Improvement Trust are carrying on their work. It is not possible to ask the Central Government to divert the jute tax.

Mr. JOGENDRA NATH MONDAL: Will the Hon'ble Minister be pleased to state the objects for which the export duty on jute is levied on behalf of the Improvement Trust?

The Hon'ble Mr. H. S. SUHRAWARDY: For the purposes of the Improvement Trust.

Mr. JOGENDRA NATH MONDAL: Will the Hon'ble Minister be pleased to state if there is any specific object for which this money is utilised?

The Hon'ble Mr. H. S. SUHRAWARDY: I have already said, for the general purposes of the Calcutta Improvement Trust. It forms a part of their funds.

Co-operative Rural Societies in Serajganj subdivision.

102. Mr. MD. BARAT ALI: (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) that the members of the Co-operative Rural Societies are not getting any help from outside;

(*ii*) that the central banks invest no money to the rural societies in the Serajganj subdivision;

(*iii*) that the members are in distress; and

(*iv*) that the crops have been destroyed by the last flood and *rabi* crops through drought?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state what arrangements are being made to save these affected people?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) and (*ii*) Yes.

(*iii*) No.

(*iv*) Only in part.

(*b*) The local officer has been instructed to make out a list of the members requiring loans and to direct the Shahzadpur Central Bank to apply for loan to the Provincial Co-operative Bank, Limited.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state if he will issue similar instructions to the local officers and direct the Serajganj and Ullapara Central Co-operative Banks to ask for loans from the Provincial Co-operative Bank?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If there is any necessity for it, the local officers will certainly look into it.

Mr. ABDULLA-AL MAHMOOD: In view of the answer to (*a*) (*ii*) and (*b*), will the Hon'ble Minister be pleased to state why of all the Central Banks only the Shahzadpur Central Bank in the Serajganj subdivision has been selected to apply for loan from the Provincial Bank?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Because the members of that area are in need of short-term loans; therefore instructions have been given to local officers to make out a list of members requiring loans in that area. If any such necessity arises in any other area, that will be duly considered.

No-Confidence Motion.

Mr. SPEAKER: There was a motion of no-confidence in the Speaker. But that has been withdrawn, and so it has been taken out of the agenda.

The Hon'ble Mr. H. S. SUHRAWARDY: What, Sir, without an apology?

Mr. SPEAKER: I leave that to the member.

NON-OFFICIAL BILLS

The Bengal Rural Poor and Unemployed Relief Bill, 1939.

Mr. SPEAKER: Before I take up the Bill, I have to raise a very important constitutional point for the consideration of this House. This Bill was initiated in the Bengal Legislative Council, and when it was introduced in the Council it was introduced in a form which according to section 82 of the Government of India Act can only be introduced here and not in another place. I may say that I have not got any official information on the subject, because ordinarily when a Bill is sent from one House to the other it is only the Bill, as passed, that is sent. But having regard to section 82 of the Government of

India Act, where it is specifically laid down that any Bill which amends the law with respect to any financial obligation undertaken or to be undertaken by the province can only be introduced in this House, I, as Speaker, thought it my duty to enquire, not formally yet but, informally as to the form in which this Bill was introduced in another place. This information, as I said before, is not official, but I think I should take the House into confidence as this matter really affects the question of relative position of this House to the other, that this Bill was introduced in the form of a Money Bill. When the Bill was first introduced, it provided that the Local Government would have to pay some money, and I think Sir Bijoy Prasad will agree with me that that was the original character of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. SPEAKER: So the original character of the Bill was such that it could not be introduced in another place. Then, of course, the matter went to the Select Committee and the Select Committee deleted all those portions which had reference to the money character of the Bill, and it has now been transformed into a Bill which the other House is legally competent to introduce and to pass. But the question still remains whether a Bill which cannot be introduced can be changed and then sent to us in that changed form. It involves a very important constitutional principle and I have raised this point deliberately after a good deal of consideration, because I think once such Bills are introduced in another place which cannot be introduced there, I fear, we are probably setting up an unconstitutional precedent. I do not think, this is a matter in which I should say anything more at this stage. I leave it to the House to decide whether they will take cognisance of this matter and I will allow different parties to discuss this matter for a few minutes.

Dr. NALINAKSHA SANYAL: It is on rare occasions that the House has an opportunity of advising the Speaker on matters relating to constitutional issues, and I take the earliest opportunity of giving such an advice, particularly because it involves a very important question of principle. I entirely agree with you, Sir, that so far as this House is concerned, if we find that any attempt has been made by the other House to infringe upon its rights, we must jealously guard its rights and we shall have nothing to do with any Bill which directly or indirectly infringes our rights. At the same time I submit with all humility that we in this House should only proceed with what we have got before us and should not take any cognisance of matters which have happened in any other House and which have not been officially reported to us. It is quite possible that the Bill originally was drafted by somebody who was not very much cognisant of the provisions of the Government of India

Act and the limitations upon the other House. It has, therefore, been subsequently amended, and when by such amendment they have virtually recognised the right of this House only to initiate such a legislation, I think we have already gained our point there. We should not, therefore, pursue the matter any further at this stage and should not take any further time over this discussion encroaching upon the time for non-official business, and we should proceed with the same as it is before us. Sir, we find as the Bill now stands there is hardly anything which might come within the purview of section 82 of the Government of India Act.

The Hon'ble Khwaja Sir NAZIMUDDIN: I agree with everything that has been said by Dr. Nalinaksha Sanyal and I feel, Sir, that your own ruling is that it will be very difficult if either this House or the other House sits on judgment on what has been done by this House or the other House unless and until there is a case for action, namely, that the Bill which they have sent up has infringed any of the rules. What has taken place in the other House should not be taken notice of in this House.

Mr. SPEAKER: Even as regards the Government of India Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, that is a matter for somebody to take notice of in its proper place, but here, as far as this House is concerned, I do not think it can.

Mr. SPEAKER: Who is there in Bengal for the time being to protect the interest and the powers which we have been given under section 82 of the Government of India Act.

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit that the powers that have been given to this House have in no way been infringed. If they are in any way infringed, you and this House can take effective steps to stop it, but in this particular case nothing at all has happened.

Mr. SPEAKER: It has happened.

The Hon'ble Khwaja Sir NAZIMUDDIN: It does not matter, it makes no difference, what they do in the other place. The question is how has this come to us. We are only adversely affected if there is any provision which is against the law. As long as there is nothing which is against the law, if they like to break all the rules (I am just speaking hypothetically), if the other House wants to break all the rules in the beginning, if they want to go against the Government of India Act

at the beginning, but towards the end they correct their mistakes and send them to us, I do not think we have got the right to question the procedure that has taken place in-between this House and the other House.

Mr. MANMATHA NATH ROY: Unfortunately I do not agree either with Dr. Sanyal or with Sir Nazimuddin, and before I definitely state on what point I disagree with them I think we should express our gratefulness to you, Mr. Speaker, for having pointed out to us an infringement upon our rights and privileges. It seems to me that the Government of India Act was violated when the Bill was introduced, and it was *ultra vires* of the Upper House to have taken that into consideration. It seems to us obvious that all subsequent proceedings were *ultra vires*, and therefore we ought to refuse to take into consideration the Bill that has been sent to us. That would also be *ultra vires* of us.

Mr. SPEAKER: I have now understood your point of view. Do you want to press it?

Maulvi ABUL HASHIM: I am extremely sorry that I do not agree with either Dr. Sanyal or Sir Nazimuddin. In my opinion the question is not whether this House or the other House has any right to pass any Bill in one form or other, but the question is whether the Upper House has got the right to initiate a Bill of the nature of a Money Bill. The Bill has been passed by the Upper House. We do not want to question it. In my opinion they had not the right of initiating, and so they have infringed upon the rights enjoyed by us. So I think the Bill is *ultra vires*.

Mr. SPEAKER: May I suggest this? I do not want to unduly strain the relationship between this House and the other House. I must say frankly that while I am zealously anxious that the interests and powers of this House should be protected by all means, I am also anxious that at the early stages of our constitutional development there should be nothing done that may jeopardise the cordial relationship between this House and the other, so long as the other House functions under the Government of India Act. That being so, and considering the fact that it is quite possible that there may be misapprehension in another place as to the manner in which the Bill might be dealt with or there might be other reasons or it might be that nobody noticed it at the earlier stage, I do not want for the time being to do anything more, but the whole question of the constitutional position with reference to a particular Bill of money character should be discussed in the Committee of Privileges which we have got, and in case any definite decision is arrived at, it will then be our duty to consider: we shall know what we should do in the matter. But I may

state at once that I do not agree with Sir Nazimuddin. So far as this Bill is concerned, I might agree with Sir Nazimuddin that we should proceed further with the Bill. But I have no doubt that it is not constitutionally in consonance with the intentions behind the Government of India Act that a House, which has not the power to introduce a particular type of Bill, should definitely do so and then change the character at a latter stage of legislative procedure. We must not allow that. You are giving then a function which law has not given it and I think the Government of India Act, the Report of the Joint Select Committee and every other law have definitely decided against such powers. For the time being it is not necessary to enter into the question any more, but I propose to refer this matter to the Committee of Privileges which will consider this matter and in case any action is required with reference to a future case it will be taken accordingly. For the time being this Bill might be proceeded with. I hope it is definitely understood that it will not be a precedent. I do not know what the attitude of the House will be, but my advice will be that if this sort of thing goes on, then there will be only one course open to us and that is perfectly well known to you.

Maulvi ABDUL BARI: May I know whether we should proceed with this Bill?

Mr. SPEAKER: I have already said that, in view of the special circumstances and of the fact that this Bill is the first of its character and that different points have been raised and that I am anxious to maintain a cordial relationship between this House and the other, I will proceed with the Bill, without creating a precedent, as a special case.

Maulvi ABDUL BARI: The House has got the power to throw out the Bill altogether as it has not come through proper channel.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Speaker, are you satisfied that it infringes section 82(*1*)(*a*), (*b*) and (*c*) ? After all it infringes only 82(*3*) which says that a Bill which, if enacted and brought into operation, would involve expenditure from the revenues of the Province, shall not be passed by a Chamber of the legislature. There is no provision so far as——

Mr. SPEAKER: May I read this section, Mr. Suhrawardy, as I understand it. "A Bill for amending the law with respect to any financial obligation undertaken or to be undertaken by the Province shall not be introduced except on the recommendation of the Governor and a Bill making such provision shall not be introduced in a Legislative Council."

Dr. NALINAKSHA SANYAL: Sir, do you interpret it as amending any law with respect to any financial obligation?

Mr. SPEAKER: I have given that ruling under section 82. Amending a law means amending any law or even if there is no law to make a law to amend the general law.

Mr. SASANKA SEKHAR SANYAL: Probably owing to ignorance this Bill was introduced in the Upper House.

Mr. SPEAKER: I know ignorance is bliss. If this House want to remain ignorant and their rights to be jeopardised in other places, they are competent to do so.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, I beg to move that the Bengal Rural Poor and Unemployed Relief Bill, originated in the Bengal Legislative Council and passed by the Bengal Legislative Council, be taken into consideration.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I would just like to say a few words in support of my friend Mr. Datta who has moved the consideration of this Bill in this House. In the course of the last few months in connection with the distribution of flood-relief we had experienced serious difficulties for want of a regular organization for finding out who were really distressed and in dire need of immediate relief in the rural areas. The Bill contemplates in the first place a maintenance of statistics of the distressed and the unemployed and in the second place it makes just a beginning of a nucleus of a fund out of which such unemployed and distressed people may be helped. On the one hand the Bill makes a regular arrangement for keeping periodical records corrected up to date of all persons who, not being Union Board ratepayers, are naturally classed as persons who have no resources in the rural areas, and on the other hand it has also the provision for corrections from time to time on the application of such other members who, probably being payers of Union Board rates, are likely to be in the distressed list. This Bill has, as I have explained, a two-fold objective, and I would submit that although we are aware that a Bill of this character may more or less be a pious enactment without any actual provision for such substantial sums of money as would go to help the poor in the rural areas and although I am fully aware that an act of this character may not give the relief that is much needed, yet as a first step only, as a preliminary to the subsequent possibility of Government coming forward with a comprehensive piece of legislation for the relief of the unemployed and the poor and the distressed, this Bill would be very helpful. It is only from that point of view and that angle of vision that I would like

this House to examine the various provisions of this Bill, I submit, Sir, that the Bill is not absolutely complete. I am aware of it and yet Mr. Datta and myself have decided to sponsor the Bill which has come from the Legislative Council, because it provides at least one machinery, a machinery to maintain the record of all unemployed and distressed people in the rural areas.

Maulvi ABDUL BARI: Mr. Speaker, Sir, I oppose the consideration of the Bill on two grounds—firstly on the constitutional ground——

Mr. SPEAKER: I hope you will not make a reference to the constitutional aspect.

Maulvi ABDUL BARI: And secondly on the ground of the merit of the Bill itself. First of all, Sir, if we allow this Bill to be introduced in this House when it was in its original character a Finance Bill, practically we shall give away to the other House a privilege and a right which it is the privilege of this House to enjoy alone. This matter has been discussed previously on several occasions too when we insisted on the fact that the Upper House should be abolished inasmuch as there was no necessity for it. Now, Sir, the superiority of this House——

Mr. SASANKA SEKHAR SANYAL: On a point of order, Sir. Since you as Speaker have decided not to give a final ruling to-day on this matter, is it open to any member to argue the merits of the constitutional question?

Maulvi ABDUL BARI: Yes, because I have said that the consideration of the Bill should be refused. We are not going to consider it inasmuch as it is *ultra vires*, because it is not within their competency to pass such a Bill.

Mr. SPEAKER: I do not think you can say that. You can raise any other issue. I don't think I can teach you how to do it. You can raise other constitutional issues but not this one which I have touched on.

Dr. NALINAKSHA SANYAL: We would be very much obliged if Maulvi Abdul Bari could show where it infringes the Government of India Act, instead of talking at random.

Maulvi ABDUL BARI: It is left to Dr. Sanyal to quote paragraphs.

SPEAKER: After all, Mr. Bari and Dr. Sanyal come from the same place!

Maulvi ABDUL BARI: He who sows the wind must be prepared to reap the whirlwind.

Mr. SPEAKER: Let there be no hurricanes!

Maulvi ABDUL BARI: Dr. Sanyal thinks that he knows every bit of law.

Dr. NALINAKSHA SANYAL: I am not a lawyer.

Mr. JOGESH CHANDRA GUPTA: He is a physician.

Maulvi ABDUL BARI: Let him heal himself before he tries it on others. Regarding the constitutional issues.....

Mr. SURENDRA NATH BISWAS: Whom are you addressing? (A VOICE: He is addressing the Coalition Party.)

Maulvi ABDUL BARI: I am not only addressing the members of the party but also the non-members as well.

Mr. SPEAKER: You must address the Speaker.

Maulvi ABDUL BARI: Yes, Sir, I am addressing you.

Then, coming to the merits of the Bill itself, the Bill is practically devoid of any merit. The arguments that have been advanced by Dr. Sanyal are beside the point and have got no substance behind them. Any Act for the provision of the unemployed must have a sufficient fund behind it. Here you find that there is mention of a fund no doubt for the purpose, but that fund does not come from Government but comes from sources of voluntary contribution. There are many societies and many associations throughout the country where such funds do exist. But what is the necessity, I do not know, for getting this Bill through the Legislature and passing it into an Act, when the Government are not going to contribute anything towards the development of this fund? Of course, when a fund like this will exist it is not only that the people who really work, so that the fund should be created, should contribute, but Government should also be asked to contribute something because we find that there is no provision anywhere in the Bill to enable the Government to contribute. It is for this reason that Government are not taking any interest whatsoever in this Bill because the Government's pocket

is not being touched. Therefore, practically this Bill will be of a sham nature, without any effect in the ultimate result—something innocent without doing any good to the people for whom it is meant. Moreover, these people who can make a fund like this have also got the ability to make that fund work. When the Government will not contribute, Government will not be entitled to have any handle in the matter. Of course, anyone who wants the tune must pay the piper. Government do not want the tune, and Government do not want to pay. Why should you allow the Government to have a handle in the matter and poke their nose into this when they are not going to make any contribution to this fund?

With regard to many other provisions of the Bill they may be considered, if this Bill is allowed to be considered, at the time when they are discussed but for the present I may content myself by saying that the Bill is absolutely useless and it won't serve the purpose for which it is meant. Therefore, I oppose the consideration of the Bill on its merits.

Mr. MIRZA ABDUL HAFIZ: Mr. Speaker, Sir, the Bengal Rural Poor and Unemployed Relief Bill, 1939, as passed by the Bengal Legislative Council, is now under the consideration of this House.

Sir, language fails description of the inexpressible plight and heart-rending distress of the rural poor and unemployed people of Bengal aggravated by the flood last year which totally, and somewhere partially, destroyed the jute, *aus* and even in some places *aman* paddy too in a large number of districts.

Sir, more than 85 per cent. of the people of Bengal being agriculturists, it can be safely said that the country is formed by them and consequently the state of the country depends upon the state of the peasantry.

Sir, since the year 1337 B.S. the trade depression, due mainly to the fall of the jute price in Bengal with some other reasons followed by over-flood of the year 1338 B.S. in quick succession almost all over the province, made the peasantry hopeless and helpless. Previous to that money out of high price of jute came as a tide and by the end of the same year passed out of their hands as an ebb owing to Sarda Act, extortion by land-holders, money-lenders, litigations, ignorance and many other reasons, not to come again. Besides, they are heavily indebted. Here I think it would not be out of place if I quote a few lines from the Report of the Banking Enquiry Committee, 1928-29, namely, "They" referring to the cultivators it says—"They are born in debts, live in debts and even they die in debts."

Thus, many of them being heavily indebted, have been deprived of their lands and even homesteads. They cannot with hard labour

and sweat on their brow meet both ends—rather pass their days half-starved, famished and half-naked with their backbone crooked by heavy indebtedness.

Who knows how many millions of people are annually converted into day labourers and street beggars, thousands of whom are driven into the dense forests of Assam to fight a hand-to-hand fight with the bear, tiger, only for a few morsels of food, and how many thousands of them are dragged into the graves and funeral pyres per year?

Sir, leaving aside all other cases, serious though they are, in this Bill a kind of nominal relief has been provided by distribution of one anna and half an anna per diem for the poorest of the poor of more or less than 12 years of age respectively, starving for more than 24 hours.

The Poor Fund deposited in the Poor Fund Boxes be raised by the local contributions supplied by the Union Board, District Board and Government grants, if necessary, be managed by the Poor Fund Committee and checked and audited annually by the local Circle Officer and the Subdivisional Officer. Though it is a farcically meagre measure to a poor nation as ours, yet I appreciate its urgency and press most to this House and the Government to pass it as soon as possible throughout the length and breadth of the country for saving the precious lives of the hopelessly distressed, poor and unemployed people for a few days more.

Sir, perhaps you can well appreciate the deep depth of my sorrow when I call it as a farce, a meagre measure, because it cannot serve as a beacon light of relief to such a poor nation for its proper guidance. The proper measures for the upliftment of our poor country would be, in a nutshell, to adopt a programme for the following nation-building measures in a comprehensive scale, namely,—

(1) rural credit system on union basis;

(2) adult education scheme;

(3) rural reconstruction scheme;

(4) introduction of scientific method of cultivation on irrigation basis;

(5) warehouse system to raise and control the market price of agricultural products; and

(6) industrialising the whole country with State-aid.

With these words, Sir, I wholeheartedly support this Bill and request my friends on the opposite and on this side too not to move any amendment even so that this Bill may easily pass into an Act

quickly; otherwise, for any alteration now, the Bill will go again to the Upper House and thereby it would be delayed by a few months more.

With this remark I support the motion from the very bottom of my heart, though on constitutional point of view it may be argued otherwise.

Maulvi AHMED ALI MRIDHA: Sir, in this matter I happen to be on the horns of a dilemma. On the one hand, I am tempted to oppose it, as I consider it to be an infringement of the rights and privileges of this House. On the other hand, I think that such a measure was a great desideratum for a long time.

Sir, when I say that it affects the rights and privileges of this House, I am tempted to think in one way. After having your ruling we see that the violation and infringement of the rights and privileges of this House is not a matter which can be decided on this particular occasion, while its condonement would be accepted as a precedent for similar cases in future. I think, Sir, this Bill should not have been introduced at all, or should have been thrown out all at once. As you have ruled, Sir, the Committee of Privileges will be entitled to consider the entire question before them in future, and that any infringement of the rights and privileges of this House will not be allowed to be tolerated by the action of any member of the other House. I have not studied the legal position, so I am not in a position to say definitely whether in future such an infringement should operate as a precedent and whether advantage would be taken up by the other House for the introduction of similar Bills in future. About that I am very much diffident, and I cannot give an opinion offhand. But, then, another question is there. It is the question of giving relief to the poorer sections of the society, and I think any measure to that effect is always welcome, because it at least contemplates to give relief to the poor who do not get a full meal every day and whom there is nobody to look to. They may be now enlisted so that in future there may be some chance for remedying their grievances. To that extent it is a blessing.

Then, Sir, it is said there are private organisations. My friend Mr. Bari has told us that private organisations also give relief to the poor. But, Sir, there are defects in such organisations. In many cases accounts are not kept, vouchers are not forthcoming, and abuse and corruption creep in; and against these there are provisions in this Bill, which will make everything clean. Unless, therefore, accounts are properly kept there is every chance of money being misused. But here is a legal provision, and I welcome such a provision in this Bill any association may be existing, and this Bill contemplates the existence of a chain of associations of a similar character, within the

province. This, Sir, has been recognised by this piece of legislation. As the accounts of union boards are audited, so also the accounts of this association will be audited. Sir, proper accounts will be kept of any amount received and spent, and they will be available for public inspection. So, there cannot be any objection. This is an attempt, though humble but very effective, for the poor unemployed in the rural areas, and it is an attempt, Sir, in the right direction. It would have been better if a Money Bill of this character had been introduced by a member of the Cabinet, supported by this House, and passed into law. I wish, Sir, that Government had taken early steps to have an amendment of the proposed legislation at an early date.

(At this stage the Assembly was adjourned for fifteen minutes.)

(*After adjournment.*)

Maulvi AHMED ALI MRIDHA: Sir, as I was saying——

Mr. SPEAKER: I am anxious that, since there are a large number of other Bills to be considered, it is desirable that we should finish discussion of this Bill as soon as possible.

Mr. ABDULLA-AL MAHMOOD: Sir, in regard to a Bill like this, which has been initiated by the Upper House, I think members of this House should be given ample opportunity to speak on it.

Mr. SPEAKER: As you please!

Maulvi AHMED ALI MRIDHA: I have already told you, Sir, that I support the consideration of this Bill. In this connection, I would like to urge again that a beginning, however humble, with a measure like this is always welcome. We can talk of monuments and monumental beginnings, but those things, Sir, are few and far between. The interests of the poor people have been neglected in the past, and I do not know, Sir, whether they will be similarly neglected in the future.

I do know, Sir, here no question of finance is involved. The Bill, Sir, in my opinion, is altogether inoffensive in the financial aspect of it. Any Money Bill, Sir, is always delayed in the departments of Government for months and months, if not for years. Now, Sir, this Bill has come, and let us all welcome it. Let us pass it, even if some amendments are necessary in future.

Then, Sir, nothing stands in the way of having amendments to it in future so as to convert it into a Money Bill, if the necessity for such action is considered proper by this House. Much time should not be wasted over that. We should seize time by the forelock. For

the present, one finds in clause 13 a provision to the effect that the Provincial Government and any district board or union board and other public bodies can make contributions if they so wished. There is nothing to prevent my friend Maulvi Abdul Bari and the Hon'ble Minister in charge to see that something is provided from time to time by way of contribution to the funds of the different unions. There is, Sir, the discretionary grant of the Divisional Commissioners; there is the discretionary grant of the District Magistrates; and there is also the discretionary grant of the Subdivisional Officers. I believe, grants from these discretionary grants may go to supplement the funds in some way or other. In that way, Sir, the funds may also swell. Money will be forthcoming as soon as there is a guarantee that there is proper accounting. The rich people will, I am sure, vie with each other in making contributions, and the distress of the needy people will be removed. In that way, Sir, one may consider this Bill as very salutary, as it is meant for the purpose of rescuing the poor people, the needy people— who have suffered for ages and ages together.

Sir, the Famine Code is there. That Code has not been abrogated by this legislation. It will still be in force in spite of the passing of this Bill. When the time comes, Government will make provisions for relief under the Famine Code. This is a temporary provision, Sir, for a certain time.

Then, in case of general distress, Sir, the District Magistrate may be informed, and he may be expected to give further relief to the poor people. This Bill contemplates only a preliminary step. The duty of the association that is going to be established in every union is to see that there is no starvation in the country and that no man feels the pangs of hunger for days together.

Then, Sir, the duty of the chawkidars has been defined. Each village, or rather each man of each village, has got a chawkidar at his disposal.

Dr. NALINAKSHA SANYAL: Sir, what is the time-limit for each speaker?

Mr. SPEAKER: I have allowed Mr. Mridha extra time.

Maulvi AHMED ALI MRIDHA: The chawkidar, as I was going to say, is there. He has to report when a man remains in starvation, and his neglect of duty will be meted with punishment.

(At this stage the member having reached the time-limit, resumed his seat.)

Mr. ABDULLA-AL MAHMOOD: Sir, a Bill like the Bengal Rural Poor and Unemployed Relief Bill is, in my opinion, long overdue. Although I do not agree with my friend, Mr. Bari, as to the merits of this Bill, but I quite agree with what he said on the constitutional point as to whether the Upper House has got the right to initiate a Bill like this which concerns money. I maintain that the Bengal Legislative Council has no right to initiate a Bill of this nature and it will be an act of the infringement of the rights and privileges of this House if the Bill be taken into consideration—but Sir, as you have given your ruling that the Bill be taken into consideration, I would like to say a few words on its merits only.

The provisions of this Bill have got some salient points on which I think the majority of the members of this House will agree. The Hon'ble Mr. Suhrawardy has spoken about the setting up of Union Committees and Mr. Sasanka Shekhar Sanyal on the opposite has pointed out to the Revenue Minister that some sort of organisation, whatever its nature may be, should be formed just to rise up to the occasion when the situation will arise. Now as we see to-day distress, scarcity, flood and famine are so rampant that some sort of Committee is essentially necessary. Now, Sir, this Bill provides for the establishment of the Union Committee, and the Committee will be empowered to raise money and distribute it to those people who are really deserving.

Up till now the Government of Bengal has not prepared any list of those people who are indigent or who are able-bodied but unemployed, and I think the provisions of this Bill will give the Union Committee facility to prepare such list and to say how many people are really starving and whether people are getting their food or not. Although section 37(*b*) of the Village Self-Government Act was framed to do some charitable work, it does not provide for giving relief of this nature. This Bill provides for Union Boards, Local Boards, District Boards and even Government contributing donations to these Committees. I think, however small the beginning might be, it may ultimately grow into a very big institution for giving relief to the really needy people. I, therefore, think that the setting up of such committee in each village will have a very salutary effect. It will give Subdivisional Officers, local officers and District Magistrates other statistics which they can utilise in various ways. Nowadays Flood Relief Committees are being set up, Central, Subdivisional or District, as the case may be, but what do we find? The money is there but as there is no Village Committee, and the people have to go miles and miles for asking for relief, it cannot be usefully spent. If such Committee is set up in every village or union, I think the authorities will easily come to know of the number of the indigent and able-bodied unemployed people and they will get ample opportunities for rendering immediate relief to them. Next Sir if the Union Committee is run efficiently

and the money collected is properly and honestly spent, I think they might also render some sort of relief at the time when occasion demands. I think therefore that a measure like this should be accepted by this House and I do not think there can be any objection to accepting a measure which has such salutary effect. Of course, the provisions are voluntary.

(Here the member having reached the time-limit, resumed his seat.)

Dr. NALINAKSHA SANYAL: Sir, the question may now be put.

Mr. ABDULLA-AL MAHMOOD: Sir, other members want to speak on this matter.

Mr. SPEAKER: I am afraid I shall have to put the closure motion. If the motion is accepted then the amendments will be put.

The motion that the question be now put was then put and a division taken with the following result:—

AYES 65.

Abdul Jabbar Patwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra.
Dutta, Mr. Sukumar.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gomes, Mr. S. A.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Mukerji, Mr. Dhirendra Narayan.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pain, Mr. Sarada Prosanna.
Pramanik, Mr. Tarinicharan.
Roy, Mr. Charu Chandra.
Roy, Mr. Dhananjoy.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.

NOES—103.

Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. alias Lal Meah.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Hossain Joardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Brasher, Mr. F. C.
Campbell, Sir George.
Clark, Mr. I. A.
Crosfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Faziul Huq, the Hon'ble Mr. A. K.
Faziul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman (Mymensingh), Mr.
Gurung, Mr. Damber Singh.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasina Murshed, Mrs., M.B.E.
Hawkings, Mr. R. J.
Homan, Mr. F. T.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Masud Ali Khan Panni, Maulvi.
Millar, Mr. C.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Ray Choudhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Saffruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Serajul Islam, Mr.
Shahabuddin, Mr. Kawaja, O.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 65 and the Noes 103, the motion was lost.

Mr. SPEAKER: I feel I ought to say that in view of the fact that there should be smoothness in the procedure, a fair time-limit should be fixed, after which we should take up the detailed provisions of the Bill. We have to go through a very large number of amendments and it would not be possible to go through the whole lot unless some quick

procedure is adopted. I think after the closure motion I shall allow another two speakers to speak for five minutes each. After that I shall put these motions.

I will put all the motions at 7-10.

Maulvi ABUL HASHIM: I feel extremely happy to-day and the reason for my happiness is two-fold. First because I find that this is an opportunity to discuss the question of the amelioration of the conditions of our rural population. Secondly, Sir, it has been my sad experience that not a single matter was discussed here on its own merits. Every matter was discussed on party lines, but to-day we find that this matter is going to be discussed on its merits and we have got absolute liberty to do so without any party restriction. Sir, we know that here we have a department known as the Labour Department which deals with labour. Labour as we understand it now means industrial labour, the labour of the urban areas and labour in big industrial areas. Besides those in the rural areas there are a large number of men who do not own any land but live entirely on agricultural labour. They can be rightly classed as labour as the industrialists are. The purpose of this Bill is two-fold. It proposes to do good to the poor and the unemployed in the rural areas. This, in my opinion, means helping rural labour. Because in the rural areas the population are classified into two groups, one who own land and the other who do not own land, *i.e.*, agricultural labour. The poor means those who are invalid and old agricultural labourers and their widows and orphans. I do not know, Sir, what will be the fate of this Bill in view of the constitutional point raised by you, and I do not know if we are wasting our time and our lungs over this matter for nothing. But judging on its merits I think my first duty is to congratulate my honourable friend Khan Bahadur Saiyed Muazzamuddin Hossain who initiated this Bill in the other House. Sir, this Bill, I admit, is not adequate but it is due to many causes. One of these is that under the Government of India Act the Upper House has not the right to bring this Bill in such a form as would have been thought adequate. I agree entirely with Dr. Sanyal who says that in spite of the fact that this Bill is not quite satisfactory it sets up a machinery and is a nucleus of future development. In this view, Sir——

Mr. SPEAKER: Your time is up.

Maulvi ABUL HASHIM: In this view, Sir, I support the motion of my honourable friend Dr. Dhirendra Nath Datta.

Maulvi MUHAMMAD ISRAIL: Mr. Speaker, Sir, I must congratulate you on the constitutional point that you have raised and to which you have kindly drawn our attention. Next, so far as this Bill is

concerned, many of my friends have expressed the view that it is merely a pious wish but I think it is not so. If we see clause 6 of the Bill, it is quite clear that a list of the poor and unemployed will be prepared by the Union Board and a duty is cast definitely upon the chaukidars and the daffadars to prepare the list and unless they conform to that clause in the performance of their duties, there is a penalty imposed by this Act under clause 11. Moreover, the mover of this Bill could not frame it in the form in which it should have been done, because of the Government of India Act. Still in clause 13 it has been specifically provided that the provincial Government, and any District Board or Union Board to the extent of its jurisdiction, may contribute to the fund at any time and any such contribution shall be disbursed by the committee in accordance with any conditions that may be attached to the contribution. Thus it appears at first sight that the local Government or any other local body have got practically no duty towards these poor and unemployed. This list shall be statutorily prepared under this Act but still from clause 13 it appears that the local Government and other local bodies also are not absolved from the duty. There is a moral duty cast upon them to support these poor and unemployed whose list shall be prepared by the committee in accordance with clause 6 of the Bill. So I lend my support heartily to this Bill and congratulate my honourable friend, Khan Bahadur Syed Muazzamuddin Hossain, on the step that he had taken. Moreover the Bill sets up a machinery by which it will be possible for the Government as well as any local body to disburse the money to the needy people. At present there is no machinery to find out a list of the poor and unemployed, and this Bill provides at least for the maintenance of a proper list of persons who deserve help from Government and also the local bodies. With these words I support the Bill.

The motion of Mr. Dhirendra Nath Datta that the Bengal Rural Poor and Unemployed Relief Bill, 1939, as passed by the Bengal Legislative Council on the 20th February, 1939, be taken into consideration was then put and agreed to.

Clause 1.

Mr. ANUKUL CHANDRA DAS: Sir, I beg to move that in clause 1(2), line 2, for the word "is" the following be substituted, namely :—

"and the Bengal Local Self-Government Act, 1885, are."

Now, Sir, the object of the amendment is——

Dr. NALINAKSHA SANYAL: The amendment is accepted.

Mr. ANUKUL CHANDRA DAS: The object of the amendment is to extend the operation of this Bill. The Bill, as it is now, extends to those parts of Bengal in which the Bengal Village Self-Government Act of 1919 is in force, but there are areas where the Village Self-Government Act is not in force.

Mr. DHIRENDRA NATH DATTA: The amendment has already been accepted.

Maulvi ABDUL BARI: I oppose this amendment and I want to speak on this motion because the amendment goes contrary to the object and aim of the Bill itself, because from the title of the Bill we find that it is meant for the rural population and not for the urban population. By the words "Village Self-Government Act" it is clear that this Bill is to operate only on those people who are residents of villages but by including the Local Self-Government Act the mover of the amendment wants to bring in the Municipalities (Cries of "No, No.") The District Boards and Local Boards are situated in towns. (Cries of "No, No.") That is right; you cannot say "No." Therefore the object of the Bill will be frustrated entirely if you also extend the operation of this Bill which is only applicable to places where the Village Self-Government Act is in force to places where the Bengal Local Self-Government Act is in force. Therefore I submit that the Bill, so far as its operation is concerned, is quite right and it should extend only to places where the Village Self-Government Act is at work and not to places where the Bengal Local Self-Government Act is in force. Therefore I oppose the amendment of Mr. Anukul Chandra Das.

Mr. SPEAKER: There is just one point which I would like the honourable mover of the Bill and the honourable mover of the amendment to consider. I feel it is my duty to point this out. By the amendment you want to extend the operation of this Bill to those areas where there is no Union Board. You have just now heard that in Midnapore, because the Act as was drafted is applicable to the Union Board, the Local Board election has not taken place. Now the definition clause says that these words "union", "Union Board", "Union rate", etc., shall have the same meanings as in the Bengal Village Self-Government Act, 1919. That is clause 2. There is no amendment to clause 2. The result is an absolutely incongruous position in which we are operating the extension and creating no machinery. In view of this fact, I think it will be wise if the amendment is not moved.

Mr. DHIRENDRA NATH DATTA: There are certain amendments in which it has been said "in those areas where the Village Self-Government Act is not in force, the Chaukidari Union in those areas". Otherwise the object of the Bill is to make it applicable to rural areas.

Mr. SPEAKER: It necessitates consequential changes in the operative clauses. It is no use bringing it here.

Mr. ANUKUL CHANDRA DAS: Sir, let me explain my position. I have given notice of amendments not only to this clause but also to other clauses wherever the "Union Board" occurs. You will see, Sir, there are several amendments in my name. I have made the necessary amendments to all the sections wherever the "Union Board" occurs.

Mr. SPEAKER: If I were in your position I would have left this little part inoperative rather than put in an amendment to the clause in the Bill which will be more or less incongruous.

Mr. ANUKUL CHANDRA DAS: In view of what you have said, I beg leave of the House to withdraw my amendment.

The amendment of Mr. Anukul Chandra Das that in clause 1(2), line 2, for the word "is" the following be substituted, namely:—"and the Bengal Local Self-Government Act, 1885, are" was then by leave of the House withdrawn.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

Maulvi AULAD HOSSAIN KHAN: Sir, I beg to move that in clause 3(3), in lines 1 and 2, for the words "keys for each Poor Box, of which one" the words "different kinds of locks for each Poor Box, the key of one of which", be substituted.

Sir, I beg also to move that in clause 3(3), in line 3, for the word "other" the words "key of another lock" be substituted.

Mr. DHIRENDRA NATH DATTA: Sir, I accept both the amendments.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 3(4), for the words "the Cash Book" the words and figure "Form I in the Schedule to this Act" be substituted.

Sir, I also beg to move that for clause 3(5), the following be substituted, namely:—

"(5) Subscriptions and contributions otherwise collected shall also be entered in Form I in the Schedule to this Act, and to each subscriber or contributor there shall be given in writing a receipt for the amount received from him."

Sir, I do not think these amendments require any speech. They are formal amendments more or less.

The motion of Maulvi Aulad Hossain Khan that in clause 3(3), in lines 1 and 2, for the words "keys for each Poor Box, of which one" the words "different kinds of locks for each Poor Box, the key of one of which" be substituted, was then put and agreed to.

The motion of Maulvi Aulad Hossain Khan that in clause 3(3), in line 3, for the word "other" the words "key of another lock" be substituted, was then put and agreed to.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that in clause 3(4), for the words "the Cash Book" the words and figure "Form I in the Schedule to this Act" be substituted, was then put and agreed to.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that for clause 3(5), the following be substituted, namely:—

"(5) Subscriptions and contributions otherwise collected shall also be entered in Form I in the Schedule to this Act, and to each subscriber or contributor there shall be given in writing a receipt for the amount received from him."

was then put and agreed to.

The question that clause 3 as amended stand part of the Bill was then put and agreed to.

Clause 4.

Mr. P. BANERJI: Sir, I beg to move that after clause 4 (*1*) the following new clause be added, namely:—

"(*1A*) The Committee shall elect its own President and Vice-President."

Sir, I beg also to move that clause 4 (*2*) be deleted.

Sir, I beg further to move that in clause 4 (*3*), line 1, for the word "three" the word "five" be substituted.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that after clause 4 (*3*) the following new sub-clause be added, namely:—

"(4) Subject to the provisions of section 8, all disbursements of the Fund shall be made by the Committee."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As regards the first two motions of Mr. P. Banerji, I oppose them on the ground that the whole scheme of the Act that the Union Board should administer the Fund with certain co-opted members, but if the amendments of Mr. Banerji are accepted, then it will change the scheme of the Act and will make the whole thing unworkable.

As regards his amendment about quorum, I have no objection.

As regards Mr. Surendra Nath Biswas's amendment, it makes no difference because it is superfluous and unnecessary.

Mr. SURENDRA NATH BISWAS: In that case, Sir, I beg leave to withdraw my motion.

The motion was then by leave of the House withdrawn.

The motion of Mr. P Banerji that clause 4 (*2*) be deleted was then put and lost.

Mr. SPEAKER: Therefore, amendment No 10 standing in the name of Mr. P. Banerji falls through.

The motion of Mr. P Banerji that in clause 4 (*3*), line 1, for the word "three" the word "five" be substituted was put and a division claimed.

Mr. SPEAKER: Before I put the motion again, I do not know whether it is still possible to have an agreement on this very minor matter. Owing to the fact that there has been no debate on this amendment, it is necessary, I think, to explain the implications of the amendment, so that there may not be any misunderstanding. The original Bill proposes "three" out of a total number of 14,—9 members of the union boards and 5 co-opted members. The present amendment is for substituting "five" for "three" So, I hope honourable members will now realise the position.

The motion of Mr. P. Banerji that in clause 4 (*3*), line 1, for the word "three" the word "five" be substituted was put again and lost.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 5 (*1*), in line 2, after the words "President of the Committee", the words "or in his absence, of the Vice-President thereof, or in the absence of both the President and Vice-President, of such other member of the Committee as may be authorised by the Committee in this behalf" be added.

Mr. SPEAKER: Sir Bijoy, have you got anything to say on this amendment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not think there is much objection to this amendment, as it is quite an inoffensive one. But I would prefer the Bill clause to stand as it is. I hope my honourable friend will see his way not to press his amendment.

Dr. NALINAKSHA SANYAL: If the Vice-President is absent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, there is always an arrangement amongst members of Union Boards to manage the work during the absence of either the President or the Vice-President or both. There is always an automatic arrangement. In the Village Self-Government Act it is not provided who will manage the Union Board Funds during the absence of the President and the Vice-President.

Mr. DHIRENDRA NATH DATTA: Probably, there are rules?

Rai HARENDRA NATH CHAUDHURI: Where is the procedure laid down?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think that the same procedure that is followed in the case of Union Funds should also be followed in this case.

Mr. MD. ABUL FAZL: In view of the speech of the Hon'ble Minister, Sir, I beg leave of the House to withdraw my motion.

The motion of Mr. Md. Abul Fazl was then by leave of the House withdrawn.

The question that clause 5 stand part of the Bill was then put and agreed to.

Clause 6.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 6 (*1*) (*b*), for the words "nothing else to fall back upon for subsistence during periods of unemployment", the words "no means of subsistence other than their wages" be substituted.

Sir, it is a very simple amendment, and a drafting amendment at that. The wording of the Bill clause is rather cumbrous. So, on the recommendation of the Legislative Department I move this amendment.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that after clause 6 (*3*) the following new sub-clause be added, namely:—

"(4) The list shall be open to inspection by the local public during the office hours at the office of the Union."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have no objection to this amendment.

Mr. SPEAKER: I am very sorry for that! (Laughter.)

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that in clause 6 (*1*) (*b*), for the words "nothing else to fall back upon for subsistence during periods of unemployment", the words "no means of subsistence other than their wages" be substituted was then put and agreed to.

The motion of Mr. Surendra Nath Biswas that after clause 6 (*3*) the following new sub-clause be added, namely:—

"(4) The list shall be open to inspection by the local public during the office-hours at the office of the Union."

was then put and agreed to.

The question that clause 6, as amended, stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 stand part of the Bill was then put and agreed to.

Clause 8.

Mr. SURENDRA NATH BISWAS: I beg to submit, Sir, that, in view of the fact that Mr. Abul Fazl has withdrawn his amendment No. 16, I do not move my amendment, as it is not necessary.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 8 (*2*), in line 2, for the words "one anna" the words "two annas or one seer of rice" be substituted.

Mr. SPEAKER: Mr. Abul Fazl, you want to substitute "two annas or one seer of rice" for "one anna". But how can you do that? You can substitute an amount for another amount, but not an amount or kind of produce for a simple amount. Surely, "one seer of rice" is not an amount!

Mr. MD. ABUL FAZL: Sir, I beg leave of the House to withdraw my motion, as I don't want to press it.

The motion of Mr. Md. Abul Fazl was then by leave of the House withdrawn.

Maulvi AULAD HOSSAIN KHAN: Sir, I beg to move that in clause 8 (*2*), line 2, for the words "one anna" the words "two annas" be substituted.

Sir, my amendment is a very simple one. It merely aims at increasing the amount by one anna, inasmuch as the amount of one anna provided for in the Bill, is very insignificant.

Mr. ANUKUL CHANDRA DAS: Sir, I beg to move that in clause 8 (*2*), line 3, for the words "half an anna", the words "one anna" be substituted.

Mr. ANUKUL CHANDRA DAS: Sir, I beg to move that in clause 8 (*2*), line 5, for the words "five days" the words "seven days" be substituted.

Mr. ANUKUL CHANDRA DAS: Sir, I beg to move that in the proviso to clause 8 (*2*), line 2, for the word "five" the word "seven" be substituted.

Mr. MD. ABUL FAZL: Sir, I beg to move that in the proviso to clause 8 (*2*), in line 3, for the words "ten days" the words "fifteen days" be substituted.

Mr. MD. ABUL FAZL: Sir, I beg to move that after the proviso to clause 8 (*2*), the following new proviso be added, namely:—

"Provided also that the Committee may at a meeting thereof direct that relief be granted in articles of clothing or other articles to such person or persons as may be found needy out of the contributions in the custody of the President."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the amendments may be divided into three classes: one is to increase the amount of contribution, the other is to include contributions in kind, and also the number of days for which the relief should be granted at a time. Sir, the principles underlying the amendments are very laudable and if more funds were available, Government would not have opposed any of these amendments. But the first and foremost consideration is that the Bill should be workable. It is no use making it unworkable and then placing it on the Statute Book. We want the public to get some benefit out of this measure. As the scheme of the Bill is based on voluntary contribution, I do not think, there will be much fund at the disposal of the Committee. So that is one reason why I oppose the increase in the amount of contribution. Secondly, as regards kind, the accounting of contributions in kind will be very difficult ....

Mr. SPEAKER: The amendment regarding "kind" has been declared out of order.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Then as regards the number of days, I do not think there is much justification for increase in the number of days for which the relief should be granted. If sufficient funds were available, I would not have opposed the amendment. But we all realise, the whole scheme of the Bill being based on voluntary contribution, there is not much justification for taking a very optimistic view about funds. So I oppose all these amendments.

Mr. SPEAKER: If you want to proceed with the Bill, it would be better that all these amendments are withdrawn.

Mr. SURENDRA NATH BISWAS: Excepting No. 36.

Mr. Khwaja SHAHABUDIN: And also No. 23, the motion of Mr. Aulad Hossain Khan.

The motion of Mr. Anukul Chandra Das that in clause 8 (2), line 3, for the words "half an anna" the words "one anna" be substituted, was, then by leave of the House, withdrawn.

The motion of Mr. Anukul Chandra Das that in clause 8 (2), line 5, for the words "five days" the words "seven days" be substituted, was then, by leave of the House, withdrawn.

The motion of Mr. Anukul Chandra Das that in the proviso to clause 8 (2), line 2, for the word "five" the word "seven" be substituted, was then, by leave of the House, withdrawn.

The motion of Mr. Md. Abul Fazl that in the proviso to clause 8 (*2*), in line 3, for the words "ten days" the words "fifteen days" be substituted, was then, by leave of the House, withdrawn.

The motion of Maulvi Aulad Hossain Khan that in clause 8 (*2*), line 2, for the words "one anna", the words "two annas" be substituted, was then put and agreed to.

The motion of Mr. Hd. Abul Fazl that after the proviso to clause 8 (*2*), the following new proviso be added, namely—

> "Provided also that the Committee may, at a meeting thereof, direct that relief be granted in articles of clothing or other articles to such person or persons as may be found needy out of the contributions in the custody of the President".

was then put and agreed to.

The motion that clause 8, as amended, stand part of the Bill was then put and agreed to.

Clause 9.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in clause 9 (*1*), line 1, the word "such" be omitted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in clause 9 (*1*), line 2, after the word "years" the words and figures "whose name has been reported under section 7 or section 8" be inserted.

Maulvi AULAD HOSSAIN KHAN: I beg to move that in clause 9 (*1*), in line 6, after the word "employment" the words "or to follow any trade or profession" be added.

Sir, the object of this motion is to include poor men who do not get employment but who can take up any business with some small capital.

Mr. SPEAKER: I think that is beyond the scope of the Bill. If the purpose of your amendment is not to give relief but to ask people to start a business with the money intended for charity, it is out of order.

Mr. MD. ABUL FAZL: I beg to move that in clause 9 (*2*), line 2, for the words "six months" the words "one year" be substituted.

Mr. MD. ABUL FAZL: I beg leave to withdraw my motion namely, that in clause 10, in line 6, after the words "of the committee" the words "or in his absence the Vice-President" be inserted.

The motion was then by leave of the House withdrawn.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I oppose this amendment. It is a small loan that is granted out of the fund just to enable the person to carry on for six months and to secure employment: one year is much too long a time and there may be a crop within six months. There are many areas in this province where six months is quite sufficient to enable a person to have a crop. So, I oppose this amendment.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that in clause 9 (1), line 1, the word "such" be omitted was then put and agreed to.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that in clause 9 (1), line 2, after the words "years" the words and figures "whose name has been reported under section 7 or section 8" be inserted was then put and agreed to.

The motion of Mr. Md. Abul Fazl that in clause 9 (2), line 2, for the words "six months" the words "one year" be substituted was then put and lost

The question that clause 9 as amended stand part of the Bill was then put and agreed to.

Clauses 10, 11 and 12.

Mr. SPEAKER: As regards clause 10 I think No. 44 does not arise; No. 43 is neither very helpful Are you still pressing it?

Mr. MD. ABUL FAZL: I do not want to move.

The question that clauses 10, 11 and 12 stand part of the Bill was then put and agreed to.

Clause 13.

Mr. SPEAKER: As regards clause 13, No. 45 does not arise. Motion No. 46 was not moved and No. 47 was out of order.

The question that clause 13 stand part of the Bill was then put and agreed to.

Clauses 14 and 15.

Mr. SPEAKER: Clause 14A is not in order. Clause 15A is also not in order. The principle of the Bill is to empower the Local Government to frame the rules. By this clause you want to give the Committee power to frame the rules?

Mr. SURENDRA NATH BISWAS: My amendment is for an addition. Government will make all the rules for the conduct of business.

Mr. SPEAKER: Clause 14A is not in order.

Clause 15A was not moved.

The question that clauses 14 and 15 stand parts of the Bill was then put and agreed to.

The question that the Schedule stand part of the Bill was then put and agreed to.

The question that the preamble stand part of the Bill was then put and agreed to.

Mr. DHIRENDRA NATH DATTA: I beg to move that the Bill as settled in the Assembly be passed.

The motion was then put and agreed to.

The Bengal Public Demands Recovery (Amendment) Bill, 1937.

Maulvi ABU HOSSAIN SARKAR: I beg to move that the Bengal Public Demands Recovery (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy,

(2) Maulvi Abdul Latif Biswas,

(3) Mr. Puspajit Barma,

(4) Mr. Syed Nausher Ali,

(5) Mr. Ramizuddin Ahmed,

(6) Babu Narendra Narayan Chakrabarty,

(7) Mr. Syed Abdul Majid,

(8) Mr. Maqbul Hosain,

(9) Maulvi Abdul Wahed, and

(10) the mover,

with instructions to submit their report by the 1st September, 1939, and that the quorum of the Select Committee be fixed at five.

I do not like to make any speech, because I have spoken over the Bill several times before.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I rise to oppose this motion. The main object of the Bill is to exclude from the operation of the Public Demands Recovery Act the clauses about rent. Government have already given promise that there should be no application of the certificate procedure for the realisation of rent in *khas mahal* and court of wards estates and for the last two years they have not issued certificates for the realisation of rent in estates. (A VOICE FROM THE CONGRESS BENCH: Permanently করবে ?) Whether that will remain permanently or not remains to be seen. The whole thing is at an experimental stage. If the collections of Government and of the Court of Wards——

Dr. NALINAKSHA SANYAL: May I rise on a point of order, Sir? I would like to draw your attention to rule 54 of the Standing Orders where it is stated that when a member moves that a Bill be referred to a Select Committee the only procedure left for any other member is either to move that this Bill be circulated for the purpose of eliciting opinion thereon or to accept it. There is no provision for opposing it. Rule 54 (*b*) states, "at this stage no amendment to the Bill can be moved but if the member——

(Cries of "Oh", "oh".)

Mr. SPEAKER: Sometimes I feel that it would be better if you were a lawyer.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In continuation of what I was saying I submit that the whole thing is in an experimental stage and whether the arrangement will be made permanent or not, whether the application of certificate procedure to rent should be altogether withdrawn or not would depend on the success of this experiment. If the collections of rent in the Khas Mahal and the Court of Wards estates do not suffer because of the suspension of the certificate procedure, Government would be only too glad to give up that power. But it is rather early to anticipate what the results are going to be. In this view of the matter Government think that there is no justification for referring this Bill to a Select Committee; because a reference of the Bill to a Select Committee would mean acceptance of the principle underlying the Bill.

Maulvi ABU HOSSAIN SARKAR: You have already accepted the principle by circulating it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Circulation does not mean acceptance and the honourable member ought to know the procedure of this House. The Bill was circulated and then recirculated. The last day for submitting opinion was sometime in February. We have received opinions only from a few public bodies up till now. In this view of the matter Government opposes the motion of the member in charge of the Bill.

Khan Bahadur MOHAMMED ALI: Sir, I oppose the motion for referring the Bill to a Select Committee.

Mr. SURENDRA MOHAN MAITRA: Mr. Speaker, Sir, I am somewhat amazed to hear the short speech delivered by my friend the Hon'ble Sir Bijoy Prasad Singh Roy in justifying his opposition to the motion for referring the Bill to a Select Committee. Sir, it has taken my breath away when I heard that by ordering suspension of the certificate procedure in the matter of realisation of rent in Khas Mahal and in Court of Wards Estates and in other matters just as when the estate is taken over by Government under section 99 of the Cess Act——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is not suspended.

Mr. SURENDRA MOHAN MAITRA: It is attempted to make an experiment. Experiment on what—I do not know? He says that the Government do not accept the principle of this Bill but I think his memory failed and conveniently failed him. He knows full well that when he introduced the Bengal Tenancy Amendment Act he was a party to the deletion of that chapter which relates to the recovery of rent by certificate procedure. He accepted the principle—the principle that certificate procedure is a drastic procedure which causes untold misery to the poor tenantry of Bengal. Now, for him to say that he does not accept the principle of Maulvi Abu Hossain Sarkar's Bill is to go back upon what he has done a few months back. The certificate procedure was by a unanimous decision of this House thought to be very cruel, oppressive and deserved to be scrapped off the Statute Book. Then I do not know why in the case of private landlords his heart was full of milk of human kindness for the poor tenantry of Bengal, but when it comes to Khas Mahal, the Court of Wards and other estates he is unwilling to part with that ancient and oppressive weapon which he wants to retain in his armoury for the speedy realisation of rent.

Mr. SASANKA SEKHAR SANYAL: What is sauce for the gander is not sauce for the goose.

Mr. SURENDRA MOHAN MAITRA: Alas for the poor tenantry of Khas Mahal and Court of Wards Estates! Has not the tenant of Khas Mahal the same grievance which the tenant under a private landlord has to object to the recourse to the certificate procedure? As regards the Court of Wards, well that antiquated statute gives protection to landlords who waste their fortune by their own mismanagement and who themselves confess that they are unable to manage their own estates and Government takes the responsibility of management and exacts the rents from the tenants by certificate procedure. What is the difference between a tenant who holds lands under the Court of Wards and the tenant under a private landlord? Why should it be.....

(At this stage the member, having reached the time-limit, resumed his seat.)

The motion of Maulvi Abu Hossain Sarkar that the Bengal Public Demands Recovery (Amendment) Bill, 1937, be referred to a Select Committing consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy,
(2) Maulvi Abdul Latif Biswas,
(3) Mr. Puspajit Barma,
(4) Mr. Syed Nausher Ali,
(5) Mr. Ramizuddin Ahmed,
(6) Babu Narendra Narayan Chakrabarty,
(7) Mr. Syed Abdul Majid,
(8) Mr. Maqbul Hosain,
(9) Maulvi Abdul Wahed, and
(10) the mover,

with instructions to submit their report by the 1st September, 1939, and that the quorum of the Select Committee be fixed at five was put and a division called, with the following result:—

AYES—48.

Abdul Jabbar Patwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.

Jenab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Jogendra Nath.
Mukherjee, Mr. B.
Mullick, Srijut Ashutosh.
Roy, Mr. Charu Chandra.
Roy, Mr. Dhananjoy.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.

NOES—73.

Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Kader, Mr. alias Lal Meah.
Abdul Karim, Mr.
Abdul Wahab Khan Mr.
Abdul Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdus Shaheed, Maulvi, Md.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Ahmed Ali Bayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Ashrafalli, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Basu, Mr. Jatindra Nath.
Bell-Hart, Miss P. B.
Das, Mr. Anukul Chandra.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlul Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
Gomes, Mr. S. A.
Hamiduddin Ahmad, Khan Sahib.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs. M. B. E.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi,
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Mafizuddin Ahmed, Dr.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mohammed Ali, Khan Bahadur.
Mozammel, Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Paul, Sir Hari Sanker.
Raikut, the Hon'ble Mr. Prasanna Deb.
Ray Choudhury, Mr. Birendra Kishore.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, The Hon'ble Mr.
Tofel Ahmed Chowdhury, Maulvi Haji.
Whitehead, Mr. R. B.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 48, and Noes 73, the motion was lost.

Adjournment.

The House was then adjourned till 4-45 p.m. on Wednesday, the 29th March, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 29th March, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 204 members.

STARRED QUESTIONS

(to which oral answers were given)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I have your permission to reply to this question on behalf of the Hon'ble Khwaja Sir Nazimuddin who is unavoidably absent?

Mr. SPEAKER: Yes, you may.

Mr. NISHITHA NATH KUNDU: Sir, may I submit that this is a very important question, and the Hon'ble the Home Minister is absent? So, I do not think that Sir Bijoy will be able to answer the supplementaries.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If you have no objection, Sir, it may be passed over.

Mr. SREAKER: All right.

Agricultural officers of Dinajpur.

***286. Maulvi ABDUL JABBAR:** (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*i*) the number and designations of the various agricultural officers who have been posted in the district of Dinajpur; and

(*ii*) the respective duties of such officers?

(*b*) What steps have been taken to make these officers—

(*i*) visit places in the interior; and

(*ii*) come in contact with the actual tillers of the soil?

MINISTER in charge of the AGRICULTURE and VETERINARY DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) Two District Agricultural Officers and nine Agricultural Demonstrators.

(*ii*) The duties of the District Agricultural Officers are to supervise the farm work and the demonstration work done by the Demonstrators in the district. They also frequently visit the Union Board farms started in the district.

The duties of the Demonstrators are to distribute free seeds and manures among the cultivators within their respective jurisdictions which are in the interior of the district and to show to them the improved methods of cultivation by practical demonstration. They also do propaganda work in the district.

(*b*) I have already stated that the field of work of the agricultural officers is located in the interior of the district and they actually come in contact with the tillers of the soil in the ordinary sphere of their duties.

Distress in Jessore due to failure of crops.

***287. Khan Bahadur Maulana AHMED ALI ENAYETPURI:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that distress still prevails in the district of Jessore on account of the failure of *aman* and *rabi* crops?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken in the matter?

(*c*) What further sum has been allotted to the district as gratuitous relief and agricultural loan?

(*d*) Are the Government considering the desirability of advancing a further sum for gratuitous relief?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) *Rabi* crop has not entirely failed. The damage to *aman* crop is estimated at 57 per cent. There is distress in some parts of the district.

(*b*) Agricultural loans have been and are being distributed to help the cultivators to purchase seeds, etc. The distribution of gratuitous relief is still going on.

(*c*) Rs. 4,60,000 has been allotted in all as agricultural loans and Rs. 35,000 as gratuitous relief.

(*d*) No. If relief to landless persons is necessary at this time of the year, it will be given by means of Test Works.

Criticism of a local M.L.A. by the Subdivisional Officer of Chandpur at a public meeting at Rampur, Tippera.

*288. **Maulvi JONAB ALI MAJUMDAR:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that the Subdivisional Officer of Chandpur in the district of Tippera, held a public meeting at Rampur in No. 2 Kalocho Union, police-station Hajiganj, on the 22nd February, 1939; and

(*ii*) that the said officer at that meeting in criticising the local M.L.A. said that the said M.L.A. is supporting the cause of *mahajans* at the cost of the Krishak *Khatak*?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, do the Government propose taking to stop Government officers taking part in party politics?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Yes.

(*ii*) No.

(*b*) Does not arise.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state what kind of meeting the Subdivisional Officer was holding on that day?

The Hon'ble Khwaja Sir NAZIMUDDIN: He went there in connection with the inspection of the Debt Settlement Board.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether he gets any report of the speeches made by the Subdivisional Officer and of other persons holding meetings in the mufassal?

The Hon'ble Khwaja Sir NAZIMUDDIN: No. But in this case he inspected the office of the Debt Settlement Board and found that the President of the Board attended only 72 meetings out of a total of about 144, and the result was that the work of the Debt Settlement Board was suffering, and he mentioned that fact in his speech. That is why perhaps this attack has been made.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether Government have got any machinery to restrict the speeches of Government officers who organise meetings in the mufassal?

Mr. SPEAKER: That question does not arise.

Mr. DHIRENDRA NATH DATTA: With reference to answer (*a*) (*ii*), will the Hon'ble Minister be pleased to state what is the basis of his answer that no such thing was stated by the Subdivisional Officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, what happened was this: a very large number of meetings could not be held because the President, who happens to be an M. L. A., was absent from the meetings, and the work of the Debt Settlement Board was suffering very much. That is why he said that the debtors could not get their debts settled, because the absence of the President made a lot of difference.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state who has given him the information—the Subdivisional Officer himself or somebody else.

The Hon'ble Khwaja Sir NAZIMUDDIN: There was the remark of the Circle Officer in the inspection book.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state how many meetings did the President not attend? The Hon'ble Minister said "a number of meetings."

The Hon'ble Khwaja Sir NAZIMUDDIN: May I give the figures, Sir?

Mr. SPEAKER: Yes.

The Hon'ble Khwaja Sir NAZIMUDDIN: The Chairman attended only 74 meetings out of 211 meetings. If the Chairman be so callous in the matter, other members of the Board can hardly be expected to take any interest.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state in the course of how many months did all these meetings take place?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid I must ask for notice, Sir. The main fact is that out of 211 meetings only 74 meetings were attended.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state when did the Subdivisional Officer inspect the Debt Settlement Board before the 22nd February?

The Hon'ble Khwaja Sir NAZIMUDDIN: He left Hajiganj at 10-30 a.m. and reached Rampur at 11-30 a.m. He then inspected the work of the Debt Settlement Board and found it to be unsatisfactory.

Mr. SURENDRA NATH BISWAS: I submit, Sir, that this is not a correct answer to my question. My question was this: the Subdivisional Officer inspected the Debt Setlement Board on the 22nd February, 1939, and I asked the Hon'ble Minister to tell us when did he inspect the Debt Settlement Board office before the 22nd February?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় বোলেছেন যে, Circle Officer নাকি inspection কোরে বইয়ে যে remark কোরেছিলেন তাই দেখে S. D O. মনে করেছেন। কিন্তু আমি আশ্চর্য্য হচ্ছি, মন্ত্রীমহাশয় কি জানেন যে Circle Officer inspection book এ যে remark লিখেছেন সেটাকি public meeting এর রিপোর্ট না inspection book এর রিপোর্ট?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is the remark put down in the inspection book, and very likely afterwards when he addressed the meeting he might have impressed upon the members the necessity and advantage of having Debt Settlement Boards and he might have mentioned how the work was suffering owing to the President and the members not attending the meetings regularly. I may just point out how Debt Settlement cases were dealt with; after filing, these cases were sometimes adjourned indefinitely without taking any steps for the last one and half and two years and thus the rules and laws were given the go-bye.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if the meeting held at Hajiganj, on the 22nd February, was held at the initiative of the Subdivisional Officer or under any special orders of the Government, and with what object?

Mr. SPEAKER: That question does not arise.

Mr. BHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if the Subdivisional Officer at Chandpur was informed that there was an allegation like that?

The Hon'ble Khwaja Sir NAZIMUDDIN: Naturally we called for a report, and a copy of the question that had been put was sent to the District Magistrate and he might have asked for an explanation from the Subdivisional Officer.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state if any instructions have been issued to the Government officials to hold public meetings regarding politics?

Mr. SPEAKER: That question does not arise.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the name of the Chairman referred to in the question?

Mr. SPEAKER: That question does not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if he is aware of the fact that the M. L. A. in question had given notice for the institution of a civil suit claiming compensation against the Subdivisional Officer for illegal search?

Mr. SPEAKER: That question does not arise.

Ban on "Desher Katha" by late Pandit Sakharam Ganesh Deushkar.

*289. **Sj. NARENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the ban on the "Desher Katha" by the late Pandit Sakharam Ganesh Deushkar exists?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is in the contemplation of Government to remove the ban?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) No.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state when was this ban imposed upon that book and the reasons therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: Long ago: the book was found objectionable and so it was banned.

Mr. SURENDRA MOHAN MAITRA: With reference to (*b*), will the Hon'ble Minister be pleased to state why it is not in the contemplation of the Government to remove the ban?

The Hon'ble Khwaja Sir NAZIMUDDIN: The reasons which led the ban being imposed still exist.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if he is aware that this is a book on Economics?

The Hon'ble Khwaja Sir NAZIMUDDIN: It may be so, but at the same time it is objectionable.

Babu NARENDRA NARAYAN CHAKRABARTY: মন্ত্রীমহাশয় কি বহিষ্কার করেছেন?

Mr. SPEAKER: That question does not arise.

Defalcation and misappropriation of money in Hooghly Central Co-operative Bank, Limited.

*290. **Babu RADHANATH DAS:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) that in the year 1936, the Secretary and the Assistant Secretary with some other employees of the Hooghly Central Co-operative Bank, Limited, were arrested for defalcation and misappropriation of bank money and were tried before the Court;

(*ii*) that the Assistant Secretary made a statement in the Court;

(*iii*) that this case of misappropriation created a feeling and there was considerable run on the Co-operative Banks of Hooghly and Serampore; and

(*iv*) that some of those banks are unable to pay their depositors in full on demand?

(*b*) Are the Government considering the desirability of enquiring into the causes of decline of Co-operative Societies in Bengal with special reference to defalcations and remedial measures?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) and (*ii*) Yes.

(*iii*) Yes, only temporarily.

(*iv*) and (*b*) No.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to give an answer to question (*b*) in view of the fact that the question was "Are the Government considering the desirability of enquiring into the causes of decline of co-operative societies in Bengal with special reference to defalcations and remedial measures," and the answer given is a big "No." Does it mean that the Hon'ble Minister will sit idle and take no action?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state why he does not think it desirable to enquire into its causes when in this question and in his own showing a lamentable state of things has been disclosed?

Mr. SPEAKER: I am afraid, it involves two questions.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state why he does not consider it desirable to make an enquiry?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No such case has yet been made out for an enquiry of this nature.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state if he is aware that in the budget discussion and in several other questions, allegations regarding defalcation and mismanagement have been repeatedly made on the floor of this House?

Mr. SPEAKER: That question does not arise.

Police camp at Sibpur in Dinajpur for investigation of a dacoity case.

***285. Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether—

(*i*) it is a fact that Kazi Nazimuddin, Inspector of Police, Sadar Circle, M. Moula Baksh, Sub-Inspector of Police, and the Sub-Inspector of Chirirbandar police-station, all of Dinajpur district, held a police camp at Sibpur in police-station Kotwali in connection with an investigation of a dacoity in the first week of August last;

(*ii*) they called in custody one Adhar Barman and another Dhir Barman of Sibpur in the night of the 5th August, 1938; and

(*iii*) Adhar Barman did not return home after he had been taken in police custody and was seen thereafter hanging from the branch of a mango tree by the side of the Union Board Road passing from one Chasir doctor's house where the police camp was held?

(*b*) Is it a fact that Dhir Barman lodged a complaint alleging that the police officers were responsible for Adhar's death in the Sadar Criminal Court and a local enquiry was held by the Sadar Deputy Magistrate under orders of the then District Magistrate?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table the report of the aforesaid enquiry?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) why the police officers concerned were not suspended pending trial of the complaint made by Dhir Barman for investigation of the case; and

(*ii*) why the police officers in the camp at Sibpur did not take speedy steps to send the dead body for *post mortem* examination?

(*e*) Is it a fact that Adhar Barman was aged about 25 only and left a young widow and a daughter, the only child, behind him?

(*f*) Is it a fact that the Sadar Subdivisional Officer acquitted the Sub-Inspector, Chirirbandar, who was accused in the case?

(*g*) Is it a fact that the District and Sessions Judge of Dinajpur has made an observation regarding the manner in which the entire case was investigated in his order on the revisional petition preferred before him by Dhir Barman?

(*h*) Are the Government considering it desirable to hold a sifting departmental enquiry immediately into the matter and to adopt measures for the prevention of a recurrence?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) No.

(*iii*) It is not correct that Adhar Barman was taken into police custody. It is correct that he was found hanging from a mango tree.

(*b*) Yes.

(*c*) No, as the honourable member has apparently obtained a copy.

(*d*) (*i*) As it was considered that the report was against the weight of evidence it did not appear desirable to penalise the officer by suspending him pending the enquiry.

(*ii*) The dead body was sent for *post mortem* immediately after the Magisterial enquiry.

(*e*) and (*f*) Yes.

(*g*) No.

(*h*) Does not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether Adhar Barman was taken into the police enquiry camp at Sibpur?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to the answer given in the printed answer.

Mr. NISHITHA NATH KUNDU: It has been admitted in the Court that Adhar Barman was taken to the police camp. Will the Hon'ble Minister be pleased to state how the answer can be "no" to my question No. (*a*) (*ii*), viz., "they called in custody one Adhar Barman and another Dhir Barman of Sibpur in the night of the 5th August 1938"?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is a vast difference between taking a person into police custody and interviewing him.

Babu NAGENDRA NATH SEN: With reference to (*c*), will the Hon'ble Minister be pleased to state if the answers in this House are meant only for the member who puts the questions or also for other members who are interested in it? Will the Hon'ble Minister be pleased to state if in view of the fact that the honourable member who put the question obtained a copy, other members are debarred from having knowledge of the facts contained in that copy?

Mr. SPEAKER: That question does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state why he refuses to publish the report?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think, it will not be fair to publish the report of the magisterial enquiry without the judgments of the Subdivisional Officer and the District Judge.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if he would publish both the magisterial enquiry report and the judgments referred to?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member so desires, I shall place all the three papers on the Library table.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state how many days after his death was the dead body sent for post-mortem examination?

The Hon'ble Khwaja Sir NAZIMUDDIN: Immediately after the magisterial enquiry.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state how many days after his death?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think about 24 or 48 hours after.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if he is aware of the fact that the dead body was sent for *post-mortem* examination four days after his death?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state when was the dead body found hanging from the mango tree?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if he would consider the desirability of enquiring if the body was not sent for *post-mortem* examination immediately after the body was found hanging from the mango tree?

The Hon'ble Khwaja Sir NAZIMUDDIN: The relatives of the deceased refused to allow the dead body to be sent for *post-mortem* examination on the ground that information had been sent and the Magistrate was arriving from Dinajpur.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if the police are bound to act according to the wishes of the relatives in not sending the body for *post-mortem* examination?

Mr. SPEAKER: That is not a question of fact; that is a question of law.

Babu NAGENDRA NATH SEN: With reference to answer (*e*), will the Hon'ble Minister be pleased to state if it is in the contemplation of Government to allow some allowance to the young widow and the daughter of Adhar Barman?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Assault on the Dock Workers of Calcutta.

*290A. **Mr. NIHARENDU DUTTA MAZUMDAR:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that cases of assault and intimidation are taking place on the dock workers of Calcutta and that many of such cases have been reported to Ekbalpur, Watganj and Bowbazar thanas;

(*ii*) that a grave situation has arisen giving rise to a wide-spread feeling of insecurity of life among the dock workers;

(*iii*) that the largest number of such cases have taken place within the jurisdiction of the Ekbalpur police-station;

(*iv*) that the police officer in charge of that station has not taken any action whatsoever to bring the culprits to book;

(*v*) that this campaign of assault and intimidation against the dock workers is being organised by a number of *sirdars* who refuse to pay the scheduled rate of wages to the dock workers as embodied in an agreement effected in January 1935 as a result of the Calcutta Dock Strike of 1934;

(*vi*) that two of the victims of such assault, viz., Zambu Patra and Basudev Das, were seriously injured and admitted into the Police Case Hospital on the 3rd March;

(*vii*) that many others were assaulted even inside their houses in their *bustees* on the same date at Babubazar in Kidderpore;

(*viii*) that the assailants were identified and immediately reported to the police-station; but

(*ix*) that the police have so far taken no action in the matter?

(*b*) If the answer to (*a*) is in the affirmative, what action, if any, do Government propose to take to ensure safety and a peaceful atmosphere for the dock workers and to give them protection in their ordinary callings against molestation?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Complaints have been received within the last two months and recorded at Watganj thana and Ekbalpur outpost.

(*ii*) No. Adequate police arrangements have been made. For over a fortnight no disturbance has taken place.

(*iii*) Cases about 30 in number were almost equally divided between Ekbalpore outpost and Watganj police-station.

(*iv*) This is incorrect. Adequate police patrols have been sent out to maintain order.

(*v*) I have no information.

(*vi*) Zambu Patra and Basudev Das were admitted into the hospital on 3rd March 1939 with lacerations and abrasions. They were discharged on 9th March 1939 and 7th March 1939 respectively.

(*vii*) Seven complaints were received and only three of them with injuries which were extremely slight. No complaint of assault inside any house was received.

(*viii*) Certain assailants were named to the police.

(*ix*) This is incorrect. The police have investigated the cases, and further action is under consideration.

(*b*) Does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: In view of the number of cases that actually occurred and complaints received, will the Hon'ble Minister be pleased to state what steps have been taken by way of effecting any arrest or starting any prosecution against any of the assailants?

The Hon'ble Khwaja Sir NAZIMUDDIN: Adequate police patrols have been sent out to maintain order.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether in view of the nature of the disturbance as evidenced in his answer he is contemplating actually taking legal action against some of the assailants?

Mr. SPEAKER: That is answered in (*ix*).

Dr. SURESH CHANDRA BANERJEE: With reference to উত্তর (*a*) আমি জিজ্ঞাসা কোরছি—মাননীয় মন্ত্রীমহাশয় বোলবেন কি যে সকল আক্রমনকারীদের নাম করা হয়েছে তাদের arrest করা হয়েছে কি না?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the hon'ble member to answer (*a*) (*ix*).

Dr. SURESH CHANDRA BANERJEE: Mr. Speaker, Sir, আমার প্রশ্নের উত্তর হয় নাই—এখানে বলা হয়েছে যে matter is under consideration; কিন্তু আমার প্রশ্ন হচ্চে যাদের নাম করা হয়েছে—তাদের arrest করা হয়েছে কি না?

Mr. SPEAKER: You must ask whether the police has any power to arrest. Your first question ought to be whether on the basis of this the police has the power under the law to arrest. Then this question may arise.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether on the basis of the case mentioned here the police have tried to effect any arrest at all?

Mr. SPEAKER: You must first ask whether this arrest can be made.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether police was authorised to arrest the assailants and whether the cases were such as to warrant arrest?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no question of authorisation. The police know what their duty is and they are performing their duty very well.

Mr. NIHARENDU DUTTA MAZUMDAR: Is the Hon'ble Minister aware of the reasons for these assaults?

The Hon'ble Khwaja Sir NAZIMUDDIN: Mere mutual jealousy and distrust.

Mr. SIBNATH BANERJEE: With reference to answer (*a*) (*v*), will the Hon'ble Minister be pleased to state whether he has made any enquiry at all?

Mr. SPEAKER: That probably comes under your friend's jurisdiction.

The Hon'ble Khwaja Sir NAZIMUDDIN: The Hon'ble Speaker has already told you that it is a matter more for the Labour Minister than myself.

Mr. SIBNATH BANERJEE: May I ask the Hon'ble the Labour Minister to reply to this question?

Mr. SPEAKER: I think the Hon'ble Minister will simply ask for notice.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether one of the reasons for not effecting any arrests is that the assailants are the supporters and followers of the Hon'ble the Labour Minister, Mr. Suhrawardy?

Mr. SPEAKER: That question does not arise.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Passport for Japan for Chiranjilal Shroff.

103. Mr. P. BANERJI: (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware that Mr. Chiranjilal Shroff was refused a passport for Japan?

(*b*) If the answer to (*a*) is in the affirmative, what was the reason?

(*c*) Is the Hon'ble Minister aware—

(*i*) that he was elected a delegate from the National Trade Union Federation of India for the Asiatic Labour Conference to be held in Tokyo in March, 1937; and

(*ii*) that he was the only delegate elected from Bengal National Trade Union Federation to represent Bengal at the conference?

(*d*) Will the Hon'ble Minister be pleased to state the reasons why Mr. Shroff was informed of the refusal of his passport after the conference at Tokyo had taken place?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) I am not prepared to disclose the reason.

(*c*) and (*d*) Mr. Shroff stated that he had been requested to attend a conference in May, 1937, as the representative of the Press Employees' Association. I regret that I have no information, as to whether the Bengal National Trade Union Federation selected any other delegate, or as to the date on which the conference actually took place.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this Mr. Chiranjilal Shroff is the same gentleman who last year was prosecuted by the police for something in connection with his activities in the *fatka* market and which prosecution failed?

The Hon'ble Khwaja Sir NAZIMUDDIN: I know nothing about it.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that this Chiranjilal Shroff had been pursued by the police for the last several years and a number of cases were instituted against him, most of which ended in failure?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: I submit, Sir, that here is an instance in which the third-degree method has been applied against a citizen of Calcutta and every attempt has been made to pursue him in every way, even to the extent of refusing the passport to him.

Mr. SPEAKER: You can put that question later.

Dr. NALINAKSHA SANYAL: I was just trying to elicit information that if the Hon'ble Minister would say that this is the same gentleman, then my question would be whether the refusal of the passport had been on account of the failure of some police prosecutions against him.

The Hon'ble Khwaja Sir NAZIMUDDIN: The first question does not arise at all out of this. I am not supposed to know what has happened. I only know that he applied for a passport.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state why he is not prepared to disclose the reasons if he has got any to support his statement?

The Hon'ble Khwaja Sir NAZIMUDDIN: These are State matters which I cannot disclose.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if the reasons are not those given by my friend Dr. Sanyal?

Mr. SPEAKER: He has denied that.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what State interest would suffer if Mr. Chiranjilal Shroff had been granted the passport?

Mr. SPEAKER: That is a purely hypothetical question.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state why the petition of Mr. Shroff was not disposed of before the conference was held at Tokyo?

Mr. SPEAKER: How does this question arise?

Mr. SURENDRA NATH BISWAS: With reference to question (*d*), namely, to state the reasons why Mr. Shroff was informed of the refusal of the passport after the conference at Tokyo, no answer has been given.

The Hon'ble Khwaja Sir NAZIMUDDIN: To begin with the whole basis is wrong. Mr. Shroff stated that he had been requested to attend a conference in May 1937, as the representative of the Press Employees' Association, whereas in the question it is suggested that he was representing the Bengal National Trade Union Federation.

Mr. SURENDRA NATH BISWAS: My question is why was not his petition disposed of before the conference was held at Tokyo?

The Hon'ble Khwaja Sir NAZIMUDDIN: If a man does not get a passport, it does not matter when he gets the information.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Government is considering the desirability of reviewing the case of Chiranjilal Shroff in regard to the attitude of Government towards him in view of the continued repression exercised on him in different ways?

Mr. SPEAKER: Dr. Sanyal, you are going in a wrong way. This question does not arise.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state whether in his application he put a definite date of the conference to be held at Tokyo?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is quite possible.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state why in spite of the department taking recommendations of two very prominent men of Calcutta, his passport was not granted and he was informed of it only after the conference was held?

Mr. SPEAKER: You have put four questions. You may put them one by one.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state why, in spite of the department asking for the recommendations of two prominent persons of Calcutta——

Mr. SPEAKER: How do you know? He has not supplied that information. Get the information from him first.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state whether in reply he was asked to submit recommendations of two prominent persons of Calcutta in order to enable Government to give him the passport?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it does not follow that because two respectable people have recommended, the passport should be given.

Mr. P. BANERJI: Is the Hon'ble Minister aware that the Press Employees' Association is a member of the National Trade Union Federation which is a registered body?

Mr. SPEAKER: That question does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether Mr. Shroff was furnished by Government with reasons for denying him the passport?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, that is not the practice.

Babu NAGENDRA NATH SEN: Were the Government justified in refusing him point blank without giving any reasons?

Mr. SPEAKER: That question does not arise.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state whether the objection is against the National Trade Union Federation or against Mr. Shroff?

Mr. SPEAKER: That question does not arise.

Excise shops in Dinajpur.

104. Maulvi ABDUL JABBAR: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to lay on the table a statement showing at present—

(*i*) the total number of (1) liquor, (2) *ganja*, and (3) opium shops in the district of Dinajpur;

(*ii*) the number of excise vendors from (1) Hindus, (2) Scheduled Castes and (3) Muslims in the said district; and

(*iii*) how many of them are (1) natives of the district and (2) who are outsiders?

(*b*) Is it a fact that excise shops are being settled with outsiders and to non-Muslims of the district?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) A statement is laid on the table.

(*b*) No. Shops are generally settled with natives of the district and only in rare cases with outsiders.

Statement referred to in the reply to clause (a) of unstarred question No. 104.

(*i*) The total number of—

(1) Liquor shops—62;

(2) *Ganja* shops—47;

(3) Opium shops—23.

Besides these there is one *bhang* shop and one *charas* shop.

(*ii*) The number of excise vendors from—

(1) Hindus—62;

(2) Scheduled Castes—2;

(3) Muslims—10.

(*iii*) The number of excise vendors who are—

(1) natives of the district—38;

(2) outsiders—36.

(All domiciled.)

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if licences were issued this year for excise shops in Dinajpur?

Mr. SPEAKER: How does that question arise?

Maulvi ABDUL JABBAR: With reference to the statement under (*a*) (*ii*), will the Hon'ble Minister be pleased to state why the number of Muslim and Scheduled Castes vendors is so low?

Mr. SPEAKER: That question does not arise.

Maulvi ABDUL JABBAR: The information is supplied in the statement, but I want to know the reason why the number is so low?

Mr. SPEAKER: I have made a decision in view of the fact that questions of such nature have become too many. Where you require only statistical information, any question of substance is not relevant. The only question relevant as regards substance outside statistics is whether they were outsiders or non-Muslims. Barring that, other questions are not in order.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister kindly say the number of liquor shops, ganja shops and opium shops in the year previous to that for which the number has been given here?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I want notice.

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় কি দয়া কোরে বোলবেন তিনি ২নং প্রশ্নের উত্তরে যে বোলেছেন যে হিন্দুদের ৬২টী এবং scheduled castes দের ২টী vendors আছে, হিন্দুদের ৬২টী vendors আছে এর মধ্যেই কি scheduled castes রয়েছে না এ ছাড়া অতিরিক্ত রয়েছে?

The Hon'ble Mr. PRASANNA DEB RAIKUT: It is quite separate, and does not arise.

Mr. SURENDRA NATH BISWAS: With reference to answer (*a*) (*iii*), will the Hon'ble Minister be pleased to state whether his answer that the natives of the district were given 38 shops and outsiders 36 shops is consistent with his answer to (*b*) where he states "shops are generally settled with the natives of the districts and only in rare cases with outsiders"?

The Hon'ble Mr. PRASANNA DEB RAIKUT: They are all domiciled.

Babu KSHETRA NATH SINGHA: As regards the two Scheduled Castes vendors, will the Hon'ble Minister be pleased to state whether one of the two vendors was given licence last year but was refused this year and, if so, what was the reason for that?

Mr. SPEAKER: That question does not arise.

Assault on a Krishak volunteer at Kachuabazar, Hajiganj, Tippera.

105. Mr. ASIMUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Maulvi Jonab Ali Majumdar, M.L.A., wired to the District Magistrate, Tippera, on the 13th December, 1938, informing him that a Krishak volunteer was assaulted by Khan Sahib Maulvi Syeduddin Ahmad, the then Circle Officer, Hajiganj, at Kachuabazar; and

(*ii*) that the volunteer was announcing a public meeting by beat of a tin-canister?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, did the District Magistrate take on the telegram?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) On the 15th December, 1938, the District Magistrate, Tippera, received a telegram in the name of Mr. Jonabali Majumdar, M.L.A., which contained allegations of the nature described.

(*b*) He ordered it to be filed, noting at the same time that if genuine, a complaint would doubtless be made according to law.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the District Magistrate sent a reply to Maulvi Jonab Ali Majumdar, M.L.A., to his telegram?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have issued any instructions to the District Executive Officers that the M.L.A.s belonging to the Opposition should be treated indifferently?

The Hon'ble Mr. H. S. SUHRAWARDY: Not yet.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state with reference to answer (*b*) whether Government justified the conduct of the District Magistrate in ignoring the complaint of the M.L.A.?

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer is very clear in this matter. If there is anything done that is not right, a complaint can be lodged, and it will be looked into.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether it is not the duty of the District Magistrate to enquire into the complaint made by an aggrieved person?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware of the fact that a Magistrate can take cognizance of a case on receipt of a wire from a particular person?

Mr. SPEAKER: Under what section?

Mr. DHIRENDRA NATH DATTA: Under section 190, clause (*a*) of the Criminal Procedure Code.

Mr. SPEAKER: You know the answer.

Mr. DHIRENDRA NATH DATTA: Will the Government consider the desirability of looking into the matter further?

The Hon'ble Khwaja Sir NAZIMUDDIN: I don't think that there is any necessity.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to disclose the name of the District Magistrate who did this?

Mr. SPEAKER: That question does not arise.

Mr. DHIRENDRA NATH DATTA: Does not the Government consider that the allegations that have been made against a responsible officer, namely, the Circle Officer, are so serious as to justify an enquiry?

The Hon'ble Khwaja Sir NAZIMUDDIN: The mere fact that the allegation has not been followed by any action in the proper form shows that there is no justification for the allegation. Let me make this point clear. At the time of election it is very common—anybody who has contested an election knows that—that a number of wires are sent from the election booths against various officials and other people, and this was done at the time of the election.

Mr. SPEAKER: You have nowhere stated that this was done at the time of election.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry I was mixing this up with another answer.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*b*) will the Hon'ble Minister be pleased to state whether any complaint according to law has been made by the M.L.A.?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not that I am aware of.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what steps, since the complaint was received, have been taken to investigate into the matter and ascertain the truth or otherwise of the allegations in the complaint?

Mr. SPEAKER: The answer is a complete answer. When he got the telegram he ordered it to be filed, noting at the same time that, if genuine, a complaint would doubtless be made according to law. There is nothing further on the basis of that.

Mr. NIHARENDU DUTTA MAZUMDAR: The question definitely says that such an incident took place, and the Hon'ble Minister has answered that a complaint could doubtless be made according to law if the complaint was genuine. It was up to the police to move in the matter and bring the culprit to book. My question is, what steps the District Magistrate took to ascertain the truth or otherwise of the complaint so as to move the police in the matter.

Mr. SPEAKER: I am afraid, you should have first asked whether the complaint was such that the police could take cognisance of the complaint.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the complaint was such that the police should usually take cognisance of it?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that this was a complaint of such a nature, and, secondly, it is doubtful whether the gentleman in whose name the telegram was sent was actually the person who sent it. Naturally the District Magistrate waited to see if the thing was genuine and if anything was really serious, there would be a regular complaint.

Mr. SANTOSH KUMAR BASU: Having regard to the very frequent complaints of this nature coming from different parts of the country relating to meetings and other demonstrations held by the Krishak-Proja party, will the Hon'ble Minister be pleased to consider the desirability of issuing instructions to the district officers to give special protection to this body and the meetings held by them in future?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not accept the first portion of the question, and therefore the rest of the question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the District Magistrate's note as referred to in answer (*b*), was communicated to Mr. Jonab Ali Majumdar, M.L.A.?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. That was an order on the file.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether in spite of the serious allegations made, he is unwilling to proceed with the enquiry only because the member belongs to the Opposition Party?

Mr. SPEAKER: That question does not arise.

Mr. SANTOSH KUMAR BASU: With reference to the answer just given to my supplementary question, will the Hon'ble Minister be pleased to state whether he would accept the earlier part of my question when I referred to the frequent questions put to him in this House from time to time with regard to such complaints?

Mr. SPEAKER: That question does not arise.

Mr. SANTOSH KUMAR BASU: I submit, Sir, that it arises out of the answer that he has given. I have asked that with reference to questions frequently addressed to him about such complaints, will he kindly take steps and will he kindly accept the first part of my question?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as representations in this House are concerned, I am prepared to accept them, but I do not accept anything else. I do not agree that they are justified, and therefore the question of taking steps does not arise.

Oil mills in Calcutta and Howrah and decrease in the supply of mustard seed.

106. Srijut NARENDRA NATH DAS GUPTA: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Veterinary Department aware—

(*i*) that more than hundred oil mills in Calcutta and Howrah functioned on the mustard seed produced in Bengal;

(*ii*) that later on the cultivators took to jute cultivation and production of mustard seed decreased considerably;

(*iii*) that these mills had to depend upon mustard seeds imported from other provinces of India; and

(*iv*) that owing to freight charge on mustard seed these mills cannot compete with those in the United Provinces and have been closing down?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of encouraging the cultivators to produce mustard seed instead of jute?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) In the absence of any reliable statistics regarding the mustard oil mill industry in Calcutta and Howrah, I am unable to say if the statements made are accurate, but I can say that I am aware that Bengal is very far from being self-supporting so far as mustard seed is concerned and that the cost of freight on imported seeds is a definite handicap to the mustard oil mill industry in this province.

(*b*) With a view to remedying this state of affairs, I have included in the Budget for 1939-40 a provision of Rs. 22,310 for a scheme for the multiplication of improved mustard seeds in Bengal. It is hoped that the scheme, which is a 3-year one, will go a long way in improving both the quantity and the quality of mustard seed grown in Bengal and that the local oil mill industry will also benefit thereby.

Mr. ABDUL WAHAB KHAN: With reference to answer (*b*), will the Hon'ble Minister be pleased to state the names of the districts in which the scheme for the multiplication of the improved mustard seeds in Bengal is likely to be introduced?

The Hon'ble Mr. TAMIZUDDIN KHAN: The scheme has been recently sanctioned, and I do not think the areas have been selected.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রীমহাশয় অনুগ্রহ কোরে জানাবেন কি তার যে তিন বৎসরের জন্য উন্নত প্রণালী শর্ষে বোনার পরিকল্পনা—তাতে বাংলার শূন্য ছিটের—

Mr. SPEAKER: I think that question does not require an answer.

Babu NARENDRA NARAYAN CHAKRABARTY: আমি জিজ্ঞাসা কোরছি মাননীয় মন্ত্রীমহাশয়কে তিনি এই ২২,৩১০ টাকা খরচ কোরে একটা তিন বৎসরের পরিকল্পনা কোরেছেন বাংলার শূন্য ছিটায় শর্ষে বোনার তাঁর এই পরিকল্পনা কতদিনে কার্যকরী হবে?

(No reply.)

Visitors of Mymensingh Jail.

107. Mr. CIASUDDIN AHMED: Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state the reasons why no member from the opposition has been chosen as Visitor of the jails in the Mymensingh district?

The Hon'ble Khwaja Sir NAZIMUDDIN: Appointments are made by the Commissioner of the Division and I have no information.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state what is the principle on which these appointments are made?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to Jail Code Rule 56. There he will see that a special provision has been made for the appointment of members of the legislature irrespective of party. The members who desire to become jail visitors, should make that known to the Commissioner of the Division concerned.

Mr. NIHARENDU DUTTA MAZUMDAR: Since the notice of the question was given, has the Hon'ble Minister made any enquiry as to whether any Opposition members were appointed, and if not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to my reply to the supplementary question put by the member from Bogra.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether Babu Amrita Lal Mandal, a member of the Opposition, has been appointed a non-official visitor of the Tangail Sub-Jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think this is correct.

Mr. NISHITHA NATH KUNDU: In view of the answer given to the supplementary question of Khan Bahadur Mohammed Ali, will the Hon'ble Minister be pleased to state if it is not desirable to see that the Opposition members are also appointed?

Mr. SPEAKER: That is a matter of opinion.

Mr. NIHARENDU DUTTA MAZUMDAR: In view of the fact that the question contains a categorical assertion of the invidious distinction made in the case of the Opposition members, does the Hon'ble Minister consider it necessary to make enquiries into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already made the position of Government clear in my reply to the supplementary question put by the honourable member from Bogra. I would refer the honourable member to Jail Code Rule 56. Sir, you will find that special provision has been made for the appointment of the members of the legislature irrespective of party. I therefore suggest that if any one wishes to serve as a jail visitor, he should apply to the Divisional Commissioner.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if the honourable members of the Coalition Party, who have been selected as jail visitors, did communicate their intentions to the Commissioners before their appointment?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that a number of jail visitors from this House have been appointed for jails located in municipal towns, though they are not representatives of those constituencies?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that jails located in the towns of Berhampore, Krishnagar and other such places have non-official visitors belonging to a certain party, who are not representing those particular towns?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to the Jail Code Rules. If any mistake has been made, it may be brought to my notice, and I will see to it.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to consider the desirability of appointing only those members of this House as jail visitors who have been in jails previously?

The Hon'ble Khwaja Sir NAZIMUDDIN: It sounds an admirable suggestion, but I regret it is not possible to accept it.

Eden Canal staff.

106. Mr. DHIRENDRA NARAYAN MUKERJI: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay a statement on the table showing for the years 1932 and 1937—

(i) the number of employees; and

(ii) the charges for salaries in the different grades of the Eden Canal staff for irrigation and for revenue?

(*b*) Is it a fact—

(*i*) that 20 per cent. of the cost on account of Revenue Officer and some subordinate officers is charged on the Eden Canal;

(*ii*) that the cost on account of the Revenue Officer exceeds the amount sanctioned at the time of administrative approval of the scheme; and

(*iii*) that the costs of some subordinate officers who do not help the Eden Canal administration are charged on the Eden Canal?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Cossimbazar): (*a*) A statement is laid on the table.

An explanation of the variation in the staff was given on the 16th March, 1939, in my reply to part (*c*) (*i*) of the hon'ble member's unstarred question No. 67.

(*b*) (*i*) and (*ii*) Yes.

(*iii*) No.

Statement referred to in the reply to clause (a) of unstarred question No. 108.

Part A—1932-33.

COMBINED REVENUE AND IRRIGATION STAFF.

Number and class.	Annual cost.	
	Rs.	
5 Revenue Mohurrirs ..	2,098	
2 Zilladars (Sectional Officers acted as such in addition to their own duties).	600	(allowance at Rs. 25 each per month).
7 Patrols ..	1,296	
1 Barkandaz ..	192	
1 Khalasi ..	156	
Total ..	4,342	

Part B—1937-38.

Irrigation staff.			Revenue staff.		
No.	Class.	Annual cost.	No.	Class.	Annual cost.
		Rs.			Rs.
2	Revenue Mohurrirs ..	820	1	Zilladar ..	720
6	Patrols ..	1,152	5	Tahsildars ..	1,800
1	Khalasi ..	156	1	Mohurrir ..	480
			7	Mohurrirs ..	2,520
			20	Mohurrirs (for 3 months).	1,800
			4	Barkandazes ..	672
			9	Peons ..	1,404
	Total ..	2,128		Total ..	9,396

NON-OFFICIAL BILLS.

The Bengal Emergency Rent Reduction Bill, 1937.

Mr. MD. ABDUL JABBAR PALWAN: Mr. Speaker, Sir, I beg to move that under the proviso to sub-section (2) of section 18 of the Bengal Legislative Assembly Rules and Standing Orders the Bengal Emergency Rent Reduction Bill, 1937, be continued.

The motion of Mr. Md. Abdul Jabbar Palwan that, under the proviso to sub-section (2) of section 18 of the Bengal Legislative Assembly Rules and Standing Orders, the Bengal Emergency Rent Reduction Bill, 1937, be continued was put and lost.

The Bengal Medical (Amendment) Bill, 1937.

Mr. ANUKUL CHANDRA DAS: Mr. Speaker, Sir, I beg to move that under the proviso to sub-section (2) of section 18 of the Bengal Legislative Assembly Rules and Standing Orders, the Bengal Medical (Amendment) Bill, 1937, be continued.

The motion of Mr. Anukul Chandra Das that, under the proviso to sub-section (2) of section 18 of the Bengal Legislative Assembly Rules and Standing Orders, the Bengal Medical (Amendment) Bill, 1937, be continued was put and agreed to.

Mr. ANUKUL CHANDRA DAS: Mr. Speaker, Sir, I beg to move that the Bengal Medical (Amendment) Bill, 1937, be taken into consideration.

Sir, it is a Bill meant for the amendment of the Bengal Medical Act of 1914. Sir, I shall not make a long speech, but I shall only say that the matter was considered on the floor of this House many times and even the present Hon'ble Minister in charge of the Public Health Department also sponsored a similar Bill. It was also moved in the last Council by several members, but they were unsuccessful in having the Bill passed.

Now, the principal background of this Bill is that formerly, about 50 years back, there were one Government Medical College and two Medical Schools which were quite insufficient for the medical needs of the province, and so the generous people came forward and established private medical schools and colleges for the education of students. So before 1914, there were two sets of schools, (1) Government schools and colleges, and (2) private schools and colleges, and students passing out from those schools and colleges used to have appointments and to do other things without any distinction whatsoever. In 1914 it was laid down for the first time that the students of private schools and colleges would be debarred from enjoying the privileges hitherto available to them. In all countries, Sir, in the Punjab, Bombay, Burma, wherever Medical Act was passed, the medical practitioners existing at the time of the passing of the Act were provided for. Even in England, Sir, when the Medical Act was passed in 1815, sixty years' time was given, so that all could have their names registered. But, so far as Bengal is concerned, only two years' time was given to the medical students to appear at an examination, and when they unfortunately got plucked in one or two subjects they were allowed to appear for the third time, but not the candidates who did not appear at all. That was the real difficulty. Consequently, Sir, the medical practitioners who had their training in private schools and colleges were not allowed to practise, give certificates, and give evidence and, furthermore, owing to the operation of the Excise and Poisons Acts, they were not allowed to prescribe all medicines. This matter was considered by the last Council, and some motions were moved, but they all failed.

I shall divide my Bill into three parts. In the first part you will find, Sir, that it has provided for the existing medical practitioners at the time when the Bengal Medical Act of 1914 was passed. There

were a large number of medical practitioners who were debarred from giving certificates and also from practising, and they were further debarred by the operation of the Excise and Poisons Acts to prescribe medicines. In all countries, Sir, the existing medical practitioners were given full status—even the barbers in England were recognised as surgeons when the British Medical Registration Act was passed there. In this country, Sir, when the Bengal Medical Act was passed, these medical practitioners, who had no idea whatever that Government would put a stop to their practice, were disappointed. After that, Sir, students passing out of some private colleges were deemed qualified when these colleges were affiliated, but not those who came out of these colleges before affiliation. So, three or four years after the passing of the Medical Act of 1914, some junior medical practitioners who had their training in private colleges were allowed to practise as qualified doctors, while medical practitioners who received their training a few years earlier were not so allowed, although both had their training in the same private colleges. The older students were disqualified while the younger students were qualified!

Thirdly, Sir, my Bill also provides for those medical practitioners who have got their training from private schools and colleges. For them, Sir, I have provided in the Bill for an examination. If in the examination they are found qualified they will be taken in. I have made this provision, because, Sir, while the Medical Act of 1914 restricted the students in some way or other, it made no restriction so far as starting of private schools and colleges is concerned. What I have provided for in my Bill is that these medical practitioners should be allowed to sit at an examination and if they come out successful, they will be taken in as qualified medical practitioners.

It is for these three classes of medical practitioners, Sir, that I have made provisions in my Bill. It is only meet and proper, Sir, that they should be considered as qualified doctors. I want to disabuse from the mind of everyone the fact that quacks should be allowed to pass off as qualified men by my Bill. What I want is that a qualified man, who has got proper training in a school or college, will alone be allowed to register his name in the register of the Medical Council. Therefore, Sir, I have made provision for the following three classes of medical practitioners, viz., (1) those who were found practising at the time when the Medical Act was passed, (2) those who passed the examinations from private schools and colleges which were afterwards recognised by Government, and (3) those who passed out from schools and colleges which were not yet affiliated. For this last class I have provided for an examination in my Bill, so that if they come out successful, they will be declared qualified.

In this connection, I would also like to bring to your notice that a similar Bill was sponsored by our Hon'ble the Chief Minister some-time ago, but it was not actually moved by him. It was moved, with

certain modifications, in the old Council by Mr. Jitendralal Banerji, but that also failed. Then, Sir, the matter was taken up by the Hon'ble Mr. Mullick, but his measure was defeated by three votes. The present Hon'ble Minister in charge brought forward a similar Bill. It was only introduced, but could not be taken up further.

Therefore, Sir, in all fairness, I ask our Hon'ble Minister to accept the Bill which he himself, sponsored, when he was only a member and not an Hon'ble Minister of the Bengal Government.

With these few words, Sir, I commend my Bill to the acceptance of the House.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

Sir, in moving my amendment, I would simply like to say that this Bill proposes to make some important changes in the existing Act and before undertaking any hasty legislation, we should ascertain the opinion of the public on this Bill. With these words, I would commend my motion to the acceptance of the House.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, personally, I have a good deal of sympathy with some of the objects of the Bill, because, as the honourable member has pointed out some time ago, I myself sponsored a somewhat similar Bill. My honourable friend knows the fate of that Bill and the fate of previous Bills of a similar nature. That shows the policy of the Government so far as this matter is concerned. That policy has not yet been altered and, therefore, I am not in a position to support the motion of my honourable friend. But, I think, Sir, that the grievances of some of these doctors are genuine to a certain extent. That is my personal view and, if possible, some relief should be given to them. So far as that is concerned, I intend to make an attempt to prepare a modified scheme and place it before the Government as a whole for its acceptance. If that is done, then I think some relief will be given to these doctors. But so far as the present Bill is concerned, it is somewhat of a sweeping character, and I cannot give my support to it.

Sir, I would rather support the amendment of my honourable friend, Khan Bahadur Mohammed Ali, and in doing so I should like to explain that the object of the Bill is to amend section 17 of the Bengal Medical Act so as to extend registration to the following classes of persons who are not registrable under the present rules, namely:—

(1) any person who holds a degree or diploma or certificate from any University, College or School subsequently approved by the Council and who was practising the western system of

medicine on the day the Bengal Medical Act came into force, that is, 27th May 1914;

(2) any person who was trained in an unrecognised medical institution which was recognised afterwards and joined the medical profession before the enforcement of the member's Bill, provided he passes a special examination such as the Council may hold for the purpose.

As regards persons in class (1), such persons were allowed a full opportunity to qualify themselves for registration by sitting at the final examination for the licentiateship within two years from the constitution of the State Medical Faculty. This concession was extended, with the sanction of the Government of India, up to the examination held in November 1916.

The unsuccessful candidates at the Final Licentiate Examination held in November 1916, who appeared under the transitory provision and failed in not more than two subjects, were admitted up to and including the First Examination in 1919, without being required to receive instructions in the subject or subjects in which they failed. The concession was further extended up to the examination in November 1919, so that the majority of this class of students received this concession for a period of about five years. Students of the Belgachia Medical School who joined the school in 1913 and passed the Final Examination of that institution in 1917 were permitted to appear at the Final Licentiate Examination of the State Medical Faculty without being required to undergo any further training, up to the year 1924. It will be seen, therefore, that persons trained in medical institutions who came to practice prior to the year 1914 were not automatically brought on the register, but were allowed to sit at the Final Licentiate Examination of the State Medical Faculty and that sufficient opportunity was given to these men to qualify for registration. There is no reason why the privilege of registration should now, after 24 years, be extended to such of the persons who failed to avail themselves of the opportunity given under the transitory provisions. The proposal appears to be all the more unreasonable as it is suggested that such persons should be entitled to registration even without any qualifying examination.

As regards persons in category (2), the proposal virtually amounts to allowing persons trained in unrecognised institutions to sit at the Final Licentiate Examination of the State Medical Faculty. This would amount to giving a premium to unrecognised and inefficient institutions, and there is no reason why such a concession should be allowed. There would be no point then in insisting that candidates should be trained for a prescribed period in a recognised institution before being allowed to sit at the Final Licentiate Examination.

It is thus obvious that the provisions of the Bill are likely to frustrate the main objects of the Act, and Government are unable to agree to its further progress without eliciting opinion on the same.

I hope, Sir, that in view of the statement that I have already made that I have a mind to examine this question and to frame a proposal to be put before the Government, my honourable friend will withdraw his motion for consideration of the Bill.

The motion of Khan Bahadur Mohammed Ali that, by way of amendment, the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December 1939, was then put and agreed to.

The Bengal Tenancy (Amendment) Bill, 1937.

Maulvi ABDUL HAKIM: Sir, I beg to move, under the proviso to sub-section (2) of section 18 of the Bengal Legislative Assembly Rules and Standing Orders, that the Bengal Tenancy (Amendment) Bill, 1937, be continued.

The motion was put and agreed to.

Khan Bahadur MOHAMMED ALI: On a point of information, Sir. Before my friend, Maulvi Abdul Hakim, moves his motion, may I enquire if he can accept the motion of the Hon'ble Sir Bijoy Prasad Singh Roy for circulation?

Mr. SPEAKER: Unless the motion is before the House, amendments cannot be moved.

Dr. NALINAKSHA SANYAL: Sir, as you are aware, the parliamentary convention is that where a Bill has just been thrown into the Massacre of Innocents, if any formality has got to be done through in the House, there is no opposition made on the party lines or on any other lines—that is the parliamentary convention. But here we find that on some Bills there has been some objection already recorded and the House refused permission. May we be enlightened as to what should be the proper procedure?

Mr. SPEAKER: I thought that this was probably the first time when there has been a misunderstanding on one side of the House. I do not think it was the intention of anybody seriously that the matter should not be continued, but somehow a voice was raised from the left and the voice on the right was much stronger; so I expected that either a division or some such thing will be called for. But nothing of the sort happened.

I think there should be an understanding between the different parties that at least on non-official Bills if there is technical bar through a rule, the convention should, as far as possible, be that the technical bar may not stand in the way.

Maulvi ABDUL HAKIM: I beg to move that the Bengal Tenancy (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy,
(2) Mr. Jatindra Nath Basu,
(3) Mr. C. Millar,
(4) Mr. Surendra Nath Biswas,
(5) Maulvi Abdul Bari,
(6) Maulana Md. Maniruzzaman Islamabadi,
(7) Khan Bahadur Maulvi Hashem Ali Khan,
(8) Mr. Hem Chandra Nasker,
(9) Mr. Md. Abdul Jabbar Palwan,
(10) Mr. Syed Jalaluddin Hashemy.
(11) Maulvi Abdul Hamid Shah,
(12) Maulvi Rajibuddin Tarafdar,
(13) Maulvi Abu Hossain Sarkar,
(14) Mr. Syed Hasan Ali Chowdhury,
(15) Mr. Syed Ahmed Khan,
(16) Kazi Emdadul Haque,
(17) Mr. Giasuddin Ahmed,
(18) Mr. Shahedali,
(19) Maulvi Abdul Latif Biswas,
(20) Mr. Niharendu Dutta Mazumdar, and
(21) the mover,

with instructions to submit their report by 30th June, 1939, and that the quorum of the Select Committee be fixed at seven.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1940.

This is a very comprehensive Bill, and I do not think it should be discussed or referred to a Select Committee without having public opinion on it.

Mr. RASIK LAL BISWAS: মাননীয় সভাপতি মহাশয়, মাননীয় সদস্য মৌলভী আবদুল হাকিমের Bengal Tenancy (Amendment) Bill Select Committee তে যাবার যে মোসন্ আনা হয়েছে সেটা আমি সমর্থন কোরছি; এবং আমাদের মাননীয় মন্ত্রীমহাশয় এই বিল্ circulate করবার জন্য যে motion এনেছেন সেটাকে oppose কোরছি। Bengal Tenancy Act এর circulate করার প্রয়োজন আছে তা আমি মনে করি না। বাংলা দেশের সকলেই এ বিষয় ভালো কোরে জানেন, আবার নূতন কোরে শোনাবার বিশেষ কোন প্রয়োজন নাই। Electionএর সময় এ বিষয়ে আমরা যথেষ্ট আলোচনা কোরেছি। কাজেই বিলটি circulation এ পাঠালে যে কোন improvement হবে তা আমি মনে করি না, গভর্ণমেণ্ট কর্তৃক এই circulation এর প্রস্তাবের মানেই হচ্ছে বিলটাকে ধামাচাপা দেওয়া। Bengal Tenancy এর যা সংস্কার হয়েছে তাতে উহার যথেষ্ট উন্নতি হয় নাই, আরো সংশোধনের প্রয়োজন আছে এবং সেই সংশোধন অবিলম্বে না কোরলে বাংলা দেশের কৃষকদের স্বত্বের ও অবস্থার উন্নতি হতে পারে না। যে সমস্ত বিষয় বিলে সন্নিবেশিত আছে, তাতে যদি কোন দোষ ত্রুটি থাকে, সে সব, যে Select Committee র প্রস্তাব করা হয়েছে, তাঁরাই ঠিক কোরবেন, যদিও আমরা মনে করি না যে এর কোন কিছু সংশোধনের প্রয়োজন হোতে পারে। Circulation এর জন্য যাওয়ার মানেই হচ্ছে এই যে গভর্ণমেণ্ট এটার বিরুদ্ধে। তারা যা কোরেছেন সেইটে নিয়েই সন্তুষ্ট থাকতে চান, আর বেশীদূর অগ্রসর হোতে চান না। কিন্তু বাংলাদেশের সমস্ত লোকই এটার সংশোধন চান। মৌলবী সাহেবের বিলেই সব কথা বিশেষ কোরে বলা হয়েছে। সুতরাং Select Committee তে যাওয়ার যে প্রস্তাব করা হয়েছে সেইটেই হাউসের গ্রহণ করা কর্ত্তব্য, এই বোলে আমি এই প্রস্তাব সমর্থণ কোরছি।

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy, by way of amendment, that the Bengal Tenancy (Amendment) Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 31st March, 1940, was then put and a division called.

Maulvi ABDUL HAKIM: On a point of explanation, Sir. (Cries of "No, no.")

Mr. Khwaja SHAHABUDDIN: May I explain, Sir?

Dr. NALINAKSHA SANYAL: On a point of order, Sir.

Mr. SPEAKER: Dr. Sanyal, you know that when the Whip of your party tries to speak on behalf of the Congress Group, I always allow him an opportunity to speak of the members on your side.

Dr. NALINAKSHA SANYAL: Even on a point of order!

Mr. SPEAKER: Yes, I have allowed the Whip to speak on behalf of your group. I hope you will extend the same courtesy to the Whip of the Coalition Group. I think that he is the proper man to explain the point of view.

Mr. Khwaja SHAHABUDDIN: It was a point of personal explanation. The honourable member, Maulvi Abdul Hakim——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. The point of order is this. The House is going to have voting on a particular motion. That voting has an important bearing and, if there is any utterance or statement made by the Whip, it may influence the voting. I would, therefore, like to suggest that such statements are not made.

Mr. SPEAKER: I want to know what is the point which Maulvi Abdul Hakim wanted to raise.

Maulvi ABDUL HAKIM: As decided by the Coalition Party, I accept the amendment. (Cries of "No, no.")

Mr. SPEAKER: I might say as an authoritative decision on my part—and it was only this morning I was looking into the rules on this point—that it is entirely a matter for the House as to whether a motion which is moved can be accepted or not. A member may state that he accepts the amendment merely to help the members to come to a decision whether they should vote for or against the motion, but so far as the motion itself is concerned, it is before the House. And I think Dr. Sanyal will remember that only yesterday you from your side at least said several times "The amendment is accepted." The reason for that is merely to stop unnecessary discussion on that point. Therefore, when a member, who is a mover, wants to say that he accepts the amendment, I do not think it is a legal right but merely a statement of fact.

Dr. NALINAKSHA SANYAL: Voting should not be influenced at this stage. It would be irregular.

Mr. SPEAKER: I don't think so.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that the Bengal Tenancy (Amendment) Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 31st March, 1940, was then put and a division taken with the following result:—

AYES—116

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. alias Lal Mosh.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdus Shahood, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Ahtab Ali, Mr.

Ahsanullah Mahomed, Mr.
Ahsanullah, Mr. M.
Akram Khan, Mr. M.
Alam, Mr. M.
Ali, Mr. Amjad.
Ali, Mr. Mir Asjad.
Ali, Mr. Mir Nasir.
Ali, Mr. Syed Nausher.
Ali, Mr. Syed Shamsul.
Ali, Mr. Syed Wazed.
Ali Chowdhury, Mr. Abdul Karim.
Ali Khan, Mr. Mir Jafar.
Ali Khan, Mr. Mir Maqbul.
Ali Khan, Mr. Mir Mazhar.
Ali Khan, Mr. Mir Murtaza.
Ali Khan, Mr. Mir Nasir.
Ali Khan, Mr. Mir Shamsul.
Ali Khan, Mr. Mir Wazed.
Ali Mirza, Mr. Syed Nausher.
Ali Mirza, Mr. Syed Shamsul.
Ali Mirza, Mr. Syed Wazed.
Ali Sarkar, Mr. Abdul Karim.
Ali Sarkar, Mr. Mir Jafar.
Ali Sarkar, Mr. Mir Maqbul.
Ali Sarkar, Mr. Mir Mazhar.
Ali Sarkar, Mr. Mir Murtaza.
Ali Sarkar, Mr. Mir Nasir.
Ali Sarkar, Mr. Mir Shamsul.
Ali Sarkar, Mr. Mir Wazed.
Ameer Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Aslad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Blomenstock, Mr. L. M.
Clark, Mr. I. A.
Cresfield, Mr. L. M.
Das, Mr. Anukul Chandra
Das, Rai Sahib Kirit Bhusan.
Farhad Raza Chowdhury, Mr. M.
Farhut Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
Gomes, Mr. S. A.
Griffiths, Mr. G.
Gupta, Mr. J. N.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Homan, Mr. P. T.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Masud Ali Khan Panni, Maulvi.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G
Moshem Ali Mollah, Maulvi.
Mozammel Hoq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srishchandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir.
Nooruddin, Mr. K.
Norton, Mr. H. R.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ray Choudhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Salim, Mr. S. A.,
Sanaullah, Dr.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, The Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

NOES—62

Abdul Jabbar Patwari, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Bannerjee, Mr. Manoranjan.
Barma, Babu Premhari.
Barman, Babu Shyama Prasad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhaumik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Sasir Lal.
Biswas, Mr. Surendra Nath.
Chakraborty, Mr. Jatindra Nath.
Chakraborty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Choudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Narendra.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Nibaronchu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalan, Mr. I. D.

Ahmed Ali Majumdar, Maulvi.	Ramiuddin Ahmed, Mr.
Kumar, Mr. Atul Chandra.	Roy, Mr. Charu Chandra.
Kundu, Mr. Nishitha Nath.	Roy, Mr. Kamakrishna.
Maiti, Mr. Nikunja Behari.	Roy, Mr. Kishori Pati.
Maitra, Mr. Surendra Mohan.	Roy, Mr. Manmatha Nath.
Maji, Mr. Advaita Kumar.	Sanyal, Dr. Nalinaksha.
Majumdar, Mrs. Hemaprova.	Sanyal, Mr. Sasanka Sekhar.
Mal, Mr. Iswar Chandra.	Sen, Babu Nagendra Nath.
Mondal, Mr. Amrita Lal.	Sen, Rai Bahadur Jogesh Chandra.
Mondal, Mr. Krishna Prasad.	Shahedali, Mr.
Mukherji, Dr. Sharat Chandra.	Sinha, Srijut Maniendra Bhusan.
Mullick, Srijut Ashutosh.	Sur, Mr. Narendra Kumar.
Pramanik, Mr. Tarinicharan.	Thakur, Mr. Pramatha Ranjan.

The Ayes being 116 and the Noes 62, the motion was carried.

(At this stage, the House was adjourned for 15 minutes.)

(*After adjournment.*)

The Bengal Municipal (Amendment) Bill, 1937.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that, under the proviso to sub-section (*2*) of section 18 of the Bengal Legislative Assembly Rules and Standing Orders, the Bengal Municipal (Amendment) Bill, 1937, be continued.

The motion was put and agreed to.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg also to move that the Bengal Municipal (Amendment) Bill, 1937, be taken into consideration.

Mr. Speaker, Sir, in requesting the House to take my Bill into consideration I would point out at the outset that my Bill is a simple and puny measure. It only seeks to amend one section and one section only of the Bengal Municipal Act, viz., section 18, that makes special provision for the constitution of municipalities in industrial areas. Now, Sir, the section has a long history of grievances ventilated but unredressed behind it, but I need not go into that long history; I shall only content myself with this observation that the section for the first time introduced the principle of election so far as the industrial municipalities are concerned. But unfortunately that part of the section which meant to give proper representation to the non-industrial sections of the people has not been given effect to by the Bengal Government. Sub-section (*1*) of section 18, as it originally stood in the Act of 1932, ran as follows:—

"Notwithstanding anything contained in section 16, the local Government, by notification, stating the special circumstances, may,

in the case of a municipality the development of which in its opinion is due to an appreciable extent to and dependent on the concentration of any industry or industries—

(*i*) increase the number of appointed commissioners beyond the proportion mentioned in that section in order to secure the proper representation of such industry or industries and of labour employed therein, or if it appears expedient to the local Government that the industry or industries and the labour employed therein should be represented by elected commissioners, constitute industrial constituencies for the representation of such industry or industries and of labour on such basis as may appear to the local Government to be expedient."

Now comes the proviso about the limit of appointed commissioners. Then follows clause (*ii*)—

"provide for the representation of the inhabitants who are not directly connected with such industry or industries by the formation of electoral constituencies for such inhabitants, on such basis as may appear to the local Government to be expedient;

and the local Government may further provide for election by general constituencies in any portion of such municipalities."

It was clear that the Government was given the discretion to increase the number of appointed commissioners or in the alternative to form special constituencies for adequate representation of industries and labour and at the same time the discretion was vested in the Government to provide for the due representation of inhabitants not connected with such industry or industries by forming special constituencies for them. Now, Sir, Government, so far as the operation of this section is concerned, was and is sitting tight on the nomination clause. Government simply continued to nominate larger number of persons to secure adequate representation of industries and labour, but omitted to exercise the discretion in favour of the non-industrial section of the people in the particular manner suggested. It has not formed any special constituency for the non-industrial section of the population, and that is not a local grievance but the grievance of the non-industrial people in all the municipalities concerned. That is a long-standing grievance, too, for the removal of which, in particular, this section was enacted in such a way in 1932.

Now, Sir, when this section was enacted, definite hopes were raised in the minds of the non-industrial section of the people, so much so that they expected that when Government, to ensure better representation of industries and labour, would take advantage of the section and nominate a larger proportion of municipal commissioners, they would, at the same time, institute special constituencies for the benefit of the non-industrial section of the people. But when, Sir, they found that Government did not exercise the discretion as vested by the section in their favour but only continued to provide by extra nomination for better representation of the industrial section of the people, then they felt seriously disappointed, and on behalf of such people in one of the municipalities at least, a representative suit was filed questioning the legality of general electorate. That suit was dismissed by the first court, but on appeal the suit was decreed. The suit was taken on further appeal to the High Court. The High Court pleaded inability to give any relief on the ground that there was such a plethora of may's in the section that there was nothing to bind the local Government to exercise discretion in the matter of constituting special constituencies for the non-industrial section of the people. That being the case, Sir, the attempt of such people to have special constituencies for the election of their representatives to municipal boards failed. Soon after Government introduced the Amending Bill of 1936, and changed the condition precedent to the formation of special constituencies for the non-industrial section of the people as laid down in the Act of 1932. The amended section now says that special constituencies for the non-industrial section of the people can be constituted only if special constituencies for labour and industries be constituted. But, Sir, you will notice on referring to the earlier part of the section that there was provision for extra or enlarged representation of industries and labour by way of nomination. Therefore, Sir, the non-industrial section of the people are surely entitled to have better and proper representation on the municipal boards by the constitution of special constituencies for them. But Government is refusing to do it. It is just to correct that anomalous position, Sir, that I have brought forward my Bill. My Bill seeks to restore the position as it was before the amendment of the section, *i.e.*, to restore the position under the Act of 1932, and, at the same time, it makes it incumbent on the Government to form special constituencies for the non-industrial section of the people residing in such municipalities. Otherwise, there is very little chance for the non-industrial section of the people to get proper representation on municipal boards in industrial areas.

This is all, Sir, that I have got to say in support of my Bill, and I hope, if the Hon'ble Minister is really anxious to do justice to all sections of the people, he will accept this Bill.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

Sir, this Bill raises many controversial points (Cries of "No! no!" from Congress Benches), and with regard to the clauses there are different views. So, Sir, before we undertake a piece of hasty legislation like this, it is only reasonable that we should invite opinion, especially from the municipalities who are vitally interested in the matter.

With these words, Sir, I commend my motion to the acceptance of the House.

Dr. NALINAKSHA SANYAL: I submit, Sir, that the question be now put. (Cries of "No! no!" from Congress Benches.) (Laughter from the Coalition Benches.)

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not think that I can accept the Bill of Rai Harendra Nath Chaudhuri. As a matter of fact, I believe that the honourable mover has so misunderstood, and involved himself in the mazes of the wordings of the section that the Bill is not at all logical and can very well be opposed. But inasmuch as he has made a speech which has forcefully placed before the House his point of view, I accept the amendment of Khan Bahadur Mohammed Ali that the matter be circulated for eliciting opinion.

Dr. NALINAKSHA SANYAL: Who are you to accept it? You have no business either to accept or reject it. You may agree or disagree. The right to accept the amendment is the mover's.

The Hon'ble Mr. H. S. SUHRAWARDY: Well, I agree with the motion of Khan Bahadur Mohammed Ali for circulation. (Laughter.)

The honourable mover has realised the position, and still he has put forward an illogical plea for creating special constituencies. The honourable mover has realised that in cases where Government merely increase the seats by nomination, there is no provision in the Act for an exclusive electoral roll for the other inhabitants, that is to say, the inhabitants who do not come either under the labour constituencies or are not connected with such industries. The honourable mover says that even in the case of nominations, we should disenfranchise all those connected with industry or industries or with labour and create a separate constituency, exclusive of these two classes, for the representation of non-industrial section of the people in the general constituency. That is to say, that the alternative provision for the representation of inhabitants, who are neither directly concerned with such industry or industries, should apply not

only in those cases where separate industrial constituencies have been created by Government, but should also apply in those cases where nominations have been made. (Rai HARENDRA NATH CHAUDHURI: That's it!) I have understood my honourable friend's point, but surely the honourable mover also realizes that if Government makes nominations, then these persons, who are interested in labour or industry or industries, have no special constituencies for voting if you create separate constituencies and exclude these men from voting. (Rai HARENDRA NATH CHAUDHURI: They do not require any voting.) Undoubtedly, they do. Will the honourable mover also realize what the logical conclusion will be if nominations are given to labour and industry constituencies and thereafter they are debarred from voting in the general constituencies? Then if other nominations in the gift of Government are given to the general people, there ought not to be any electorate at all. If the fact of merely giving nominations to an interest deprives it from the power of voting in a general constituency, then other nominations given will also deprive those classes to whom nominations are given, of voting in a general constituency, and, therefore, there should not be any general constituency at all! That is the logical conclusion to which we are being pushed by Rai Harendra Nath Chaudhuri's motion.

Now, Sir, I do not know whether there is any valid reason why merely because nomination is given to an interest, they should be debarred from voting in a general constituency. It almost comes to this, that if we give nomination to the scheduled castes, or if we reserve one nomination for a member of the scheduled castes, then scheduled caste voters ought not to be allowed to vote in a general constituency. That is to say, if we give nominations to any other special interest, then that special interest ought not to be allowed to vote; this will be disenfranchising a very large section of the people which is not, I am afraid, either proper or logical.

Now, Sir, the honourable mover presumably is afraid that labour and industries will be represented through the general constituency, if they are permitted to be members of, or to vote in, a general constituency, and, therefore, there will be over-weightage in the municipality. But there has not been any such instance. The industries have contented themselves with nominations. If Government found that industries and labour became so powerful that they captured all the general seats and over and above that also claimed nomination, then Government could under section 18 easily deprive those municipalities of the industrial and labour nominations so as to see that the balance was preserved. No such case has arisen, and I see absolutely no ground for this apprehension on the part of the honourable mover. I think that vast interests are affected, and that industries should be permitted to give their opinion on the honourable mover's Bill. I think also, that labour interests

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should also be permitted to give their opinion on the honourable mover's Bill. Therefore, I support the motion for circulation.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I am sorry that the Hon'ble Mr. Suhrawardy has altogether misunderstood my speech. It is probably because the amended section 18 is in his brain. He has apparently forgotten what the section was before the amendment of 1936. He speaks of disenfranchisement of labour if special constituencies be constituted for non-industrial sections of the people in industrial areas. That cannot be if the Government do not stick to nomination and take the alternative position of constituting special constituency for labour as well as separate constituencies for the non-industrial section of the people. There can be no difficulty then. The difficulty arises because of the fact that the Government sticks to the nomination clause and forgets all other provisions of the section. And because of that fact alone the other portions of the section have been rendered inoperative. Had the Government instituted special constituency for labour and industries on the one hand and separate constituencies for the non-industrial section of the people on the other, there would have been no difficulty, and no question would have arisen at all. Simply, because Government is exercising the discretion vested by one part of the section and is omitting to exercise the discretion vested by the other part of it, that the difficulty of the general inhabitants, the non-industrial people, arises and, therefore, if there is any illogicality on anybody's part, it is on the part of the Government. On the other hand, I may point out the injustice from which in particular the non-industrial section of the people are suffering. I take it, as the Hon'ble Mr. Suhrawardy appears to say, that so far as the industries and industrial labour are concerned, they are quite satisfied with the nomination method. If that be the position, should he not take into consideration the other fact that the non-industrial section of the people cannot be satisfied when there is no special provision for the election of their representatives to the Municipal Board.

Then, Sir, should he not consider further that if sufficient representation be given to industries and labour, by way of nomination, and if again, labour be permitted to contest seats in the general electorates, will there not be, what is called, plural or double representation; and should he not stop that? Should he allow double representation to one body and compromise the position of the other body in the area——

The Hon'ble Mr. H. S. SUHRAWARDY: May I ask one question, Sir? Are zemindars, who are permitted to come from special constituencies, debarred from standing from general constituencies?

Rai HARENDRA NATH CHAUDHURI: It is simply because there is a special provision for the election of particular interests and the landlords are in a hopeless minority there, but here there is no representation of particular interests. Moreover, by nominating a larger proportion of members on the Municipal Board, you are giving adequate representation to the very interests for which you are expressing your anxiety and, at the same time, you are compromising the position of those who are not getting sufficient opportunities for sending their elected representatives to the Board. That is the difference and therein lies the difficulty. Against the scheme of the Act and the spirit of the section you are giving plural representation to one section and you are giving inadequate representation to another section of the people by remaining indifferent to the provision for them.

The motion of Khan Bahadur Mohammed Ali by way of amendment that the Bengal Municipal (Amendment) Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 31st December 1939 was then put and agreed to.

Dates fixed for Money-Lenders Bill.

Mr. SPEAKER: Before I proceed to the next motion, I think I should mention one matter in view of the presence of the Hon'ble the Home Minister who owing to his multifarious work cannot always be present in the House. I will draw the attention of the Home Minister and also of the Judicial Minister to the fact that the Money-lenders Bill is fixed for discussion on the 3rd. The day before yesterday was the last date for receiving amendments, and I am told that the number of amendments that have come is already about 45 files like this. (A file was shown by the Hon'ble Speaker.) What we have to do now is to type them, arrange them and print them, but in spite of the pressure upon the staff, who were working till 11 or 12 o'clock at night, it has not been possible even to arrange them. We have barely five days, and I am very doubtful whether it would be possible for our office to consider even the admissibility of the amendments within this short period of time. I am informed that the number of amendments would not be less than 1,500 and, in view of the fact that this Bill is a very complicated one (and it has been probably made a little more complicated at a later stage), the amendments have made it still further complicated. I think the difficulty of the Speaker to put before the House any motion to find out the possible reaction of any particular amendment not only on a particular section, but on the Bill as a whole is a matter which if the Speaker is not a superman, has to be realised. I hope Government will reconsider the matter in view of the fact to which I have drawn their attention. I might

inform the Hon'ble the Judicial Minister and the Home Minister that only to find out whether one particular amendment was in order, myself, the Secretary and the Assistant Secretary had to sit from 8 to 2 and even then we found it difficult to come to a decision. I think there are any number of such amendments. In view of this difficulty. I hope Government will be pleased to consider and give us their decision by to-morrow, if possible.

The Hon'ble Khwaja Sir NAZIMUDDIN: What decision do you want?

Mr. SPEAKER: The decision as to whether you will stick to your previous decision, namely that the Bill should be taken up on the 3rd.

If you stick to that date, we have merely to put before you the entire files as may be printed and allow the House to do its best. It will not be possible for this department within four or five days to properly look after them.

The Hon'ble Khwaja Sir NAZIMUDDIN: How many days' adjournment do you want?

Mr. SPEAKER: I am perfectly certain that it will not be possible to finish the Bill in the course of three days.

Rai HARENDRA NATH CHAUDHURI: It is impossible.

Mr. SPEAKER: We are adjourning for ten days, *i.e.*, from 7th to 16th. I ask whether it will not be possible to make an adjustment, so that this Bill may come up after the Calcutta Municipal Bill is finished.

The Hon'ble Khwaja Sir NAZIMUDDIN: We have gone very carefully into this question. I think this Bill will take a lot of time. So I propose that only the first two or three clauses may be taken up on the 3rd and 4th and the rest may be taken after the 17th.

Mr. SPEAKER: Those definitions and other things are very important. They deal mostly with civil rights, adjudication, etc.

Dr. NALINAKSHA SANYAL: I may inform the House without giving out the secret of the Select Committee that we had to postpone the discussion of the first two chapters till we finished the discussion of other things, because everything depends upon what we decide in relation to these. You cannot take up definition first.

Mr. SPEAKER: In the House of Commons the present practice is (I do not know why this practice has not been introduced here), that the definition clause is taken last. In any case these are very difficult clauses.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I let you know to-morrow what we can do?

Mr. SPEAKER: Very well.

Bengal Jute Bill, 1937.

Maulvi ABU HOSSAIN SARKAR: I beg to move under the proviso to sub-section (2) of section 18 of the Bengal Legislative Assembly Rules and Standing Orders that the Bengal Jute Bill, 1937, be continued.

The motion was put and agreed to.

Maulvi ABU HOSSAIN SARKAR: I beg to move that the Bengal Jute Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Maulvi Tamizuddin Khan,
(2) Dr. Nalinaksha Sanyal,
(3) Mr. Pramatha Nath Banerjee,
(4) Mr. Syed Jalaluddin Hashemy,
(5) Mr. Abdul Bari,
(6) Mr. Surendra Nath Biswas,
(7) Mr. Promatha Ranjan Thakur,
(8) Mr. G. Morgan,
(9) Mr. W. A. M. Walker,
(10) Mr. Syed Hasan Ali Chowdhury,
(11) Mr. Shahedali, and
(12) the mover,

with instructions to submit their report by the 1st September 1939, and that the quorum of the Select Committee be fixed at five.

Sir, I have stated briefly what I want to say in the statement of Objects and Reasons which runs thus:—

"Bengal is an agricultural country. Her staple crop is jute. The importance of this fibre in the commercial market of the world is great. It has as yet no successful imitation or substitute. Jute is not

grown in any other part of the globe, while the production of the two sister-provinces of Assam and Bihar is negligible. So Jute can safely be called the monopoly crop of Bengal. It is, therefore, meet that the jute-growers should get fair price to have sufficient margin over cost of production. But unfortunately due to financial distress and some other economic factors, the price of jute sometimes falls below the cost of production now-a-days. Besides, the fluctuation of the market has become a so very disturbing element in the life of the Bengal agriculturist that he can very seldom balance his family budget. To ensure him of some financial stablity, a ligislation like the present one has become a crying necessity and need."

Sir, the scope of the Bill can briefly be stated thus. I have made provisions in the Bill for the restriction of jute cultivation, for fixing a minimum price, for market controlling, for buying unsold jute if there be any, for suppressing gambling in jute futures and for making arrangements for jute forecast. I have left out the provision for gradation of jute purposely to be controlled by rules to be made by Government.

With respect to the fixation of minimum price, I beg to add a few words because there are some popular superstitions regarding this subject. The first objection that is put forward by persons who are against the fixation of minimum price is the fear of over-production, but to-night I shall submit to you some figures from the report of the Central Jute Committee published in 1938 which will prove that there is no reason to fear over-production in this country. If we go through that report, we will find that for some years the consumption of jute in the world has increased and not decreased. If we take the year 1931-32, we see that the consumption of jute all over the world was 82 lakhs of bales; next year, it rose to 88 lakhs of bales; next year, it rose to 90 lakhs of bales; year after, it rose to 99 lakhs of bales; after that year, it rose to 99·5 lakhs of bales and in 1936-37 it rose to a huge figure of 120 lakhs of bales. After that, the Central Jute Committee have issued another bulletin which has been published in to-day's daily papers in Calcutta. From this report we find that in the year 1937-38 the consumption of jute all over the world was 106 lakhs of bales. Now if we consider the question of production we see that over the last three years the production of jute was not more than consumption. The same report of 1938 of the Central Jute Committee says that in the year 1936-37 the production of jute was 109 lakhs of bales; next year, *i.e.*, 1937-38, the production was about 96 lakhs of bales and in the year 1938-39 the jute forecast told us that only 67 lakhs of bales of jute were produced in Bengal and in the surrounding provinces. Therefore, from this report we see that practically there was no over-production, and we may safely come to the conclusion that if we fix the minimum price of jute, the fear of over-production will not stand

in our way. The next superstition is about substitutes of jute as well as the production of jute in some other countries of the world. In this respect I only want to quote a paragraph from the report of the Bengal Jute Enquiry Committee of which fortunately, Sir, you yourself happened to be a member. That report says: "The experiments to grow jute elsewhere on a commercial basis have demonstrably failed, while the results so far obtained from the use of substitute fibres have not proved much of a menace to the jute trade. Attempts have been made to grow jute in Java, America, and West Africa, but have all failed. A small quantity of jute is reported to be grown in China, but even in that country it is not regarded as of any commercial importance. As a matter of fact, China imports a large quantity of jute goods from India every year. Experiments have also been made in Brazil and the Sudan to grow jute, but these also proved ineffectual. It therefore appears that there is no immediate fear of the crop being introduced in other countries. Indeed, it is difficult to imagine a more suitable country than Java where the climate and labour conditions are strikingly similar to those of India, but even in Java the crop could not be successfully grown. If alternative fibres and other areas for growing jute have not been discovered in the past when high prices ruled for jute, it is hardly likely that they can offer any real economic menace to jute to-day when prices are so depressed. Under the conditions prevailing during the last three years with jute selling at an extremely low price, the danger of substitution is not likely to appear."

The question now arises, why we press for the fixation of a minimum price for jute. From the report of the Bengal Jute Enquiry Committee I shall quote some figures to show what enormous profits are made by the jute mill-owners of Bengal from jute. In 1920-21 the harvest price of jute per ton was Rs. 160, while the Calcutta price was Rs. 214, and the manufactured jute products were sold by the jute mill-owners at Rs. 641 per ton. Next year, *i.e.*, 1921-22, the harvest price was Rs. 164 per ton, the Calcutta price was Rs. 214, and the manufactured products were sold at Rs. 465 per ton. In the year 1922-23, the harvest price was Rs. 273 and the Calcutta price was Rs. 323, while the manufactured products were sold at Rs. 602 per ton. In 1923-24, the harvest price was Rs. 246 and the Calcutta price was Rs. 296, while the manufactured goods were sold at Rs. 569 per ton. In 1924-25, the harvest price was Rs. 324 and the Calcutta price was Rs. 378, while the manufactured products were sold at Rs. 640 per ton. Then in 1925-26, the harvest price was Rs. 513 and the Calcutta price was Rs. 563, while the manufactured products were sold at Rs. 726 per ton. In 1926-27, the harvest price was Rs. 513 and the Calcutta price was Rs. 563, while the manufactured products were sold at Rs. 626 per ton. In this way the report shows that up to 1931-32 the profit made was enormous. Unfortunately, the report did not give us in the table the profits made by the jute mill-owners in subsequent years.

In that report, Sir, it is also stated: "The disproportion in the difference between the harvest price of jute and the price of jute manufactures, as shown in the above table, not only gives point to the claim of the cultivator for higher and more reasonable price for the crop than they obtain at present, but also it justifies the contention that the responsibility of meeting the competition of substitutes devolves primarily on the mills, on whom is laid 'the necessity of reducing the price of their manufactured goods by strict economy in working rather than by seeking to lower the price of fibre which they buy." Now, Sir, in these circumstances, I submit that we have made out a clear case for fixing a minimum price for jute. We see that this time jute has been produced much less than what is required for world consumption. At the same time there is an agreement amongst the jute mill-owners that they will not work the mills for more than a certain number of hours per week and thereby they will buy "only 50 to 54 lakhs of bales"—says the report published in to-day's Calcutta papers.

Now, Sir, as regards the accumulation of jute, in jute mills, the report says that on the 30th June 1938, there were only 30 lakhs of bales of jute with the jute mill-owners. We are aware, Sir, that orders have been placed with the jute mill-owners for about 20 crores of bags for military purposes. If this full quota is supplied, I submit, not even a maund of jute will be left either with the owners or with the merchants. So it is quite possible that next year the production of jute will be less than what the world will require.

Then, again, Sir, there is the agreement. If that agreement holds good—the agreement entered into by the European and Indian jute mill-owners—they will purposely lower the price of jute. Therefore, I submit that a legislation of this nature is urgently necessary for our country.

Sir, I appeal to the members of this House not to make jute a party question. Jute is a money crop on which the prosperity of the province depends. Now, we are very shortly expecting the report of the Jute Committee which has been set up by the Assembly. We have got also the report of the Jute Enquiry Committee which is still lying in the archives of the Government. By the help of these two reports and from the experience of the members in the Select Committee, I submit we can improve the Bill and meet the requirements of the country. If the Government sends the Bill to the Select Committee and a report is presented in time, I have no objection to Government's sponsoring the Bill, in which case I would be glad to surrender my right of piloting it.

With these remarks, Sir, I commend my motion to the acceptance of the House.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have full sympathy with the object of the Bill. But, Sir, that does not carry us far enough. So far as the objects of the Bill are concerned, I think there is perfect unanimity in this House. My friend's object is to raise the price of jute. I think we all agree with him there that the price of jute should be increased, if possible. But how to do it, is the great question. And I think, Sir, my friend has not been able to show us the proper way. He is inviting us to adopt a short cut to paradise. All who invite others to follow such short cuts do not lead people actually to paradise but to some other place! My friend has referred to the Jute Enquiry Committee and to the fact that the Jute Enquiry Committee is now sitting. Every one knows that the party to which my honourable friend belongs is very largely represented on that committee. The committee have not yet finished their labours and have not yet submitted their report. My friend comes forward with a strange proposal, viz., let the principle of this Bill be accepted and let this Bill be referred to a select committee without waiting for the report of the committee. I do not know what the report of the Jute Enquiry Committee will be and whether there will be any co-ordination possible between my friend's Bill and the report of the Jute Enquiry Committee. Therefore, Sir, I think that the motion of my learned friend is inopportune. He ought to have waited at least till the Jute Enquiry Committee submitted their report. Apart from that, the proposals he propounds in his Bill are altogether impracticable, and I think it is for that reason that he has not referred at all to the specific provisions of his Bill. I would like to make one thing clear. Formerly there was some difference of opinion as to whether there could or should be compulsory restriction of the cultivation of jute, but as far as I know there is hardly any difference on that point at present. If the cultivation of jute has to be restricted, it has to be done on a compulsory basis. There I am at one with my honourable friend. But it is certainly a very difficult problem, and I am myself groping for a feasible scheme. If anybody in this House or outside can put forward a feasible scheme, that will be seized upon with alacrity by the Government. But unfortunately no such scheme has as yet been evolved. That does not however mean that Government is sitting idle. Government is trying its best to evolve a suitable scheme, and as soon as Government is satisfied that a suitable scheme has been prepared, it will not shirk its duty in giving effect to that scheme.

Now, Sir, I come to the specific provisions of the Bill. My friend, as I have already said, tries a short cut. He wants to restrict the cultivation of jute by legislation, to one-third of the total area of the culturable land in the province. That is an astounding proposal. I would like to give certain figures about the total area of the arable land in the province. The total area of the arable land is 2,44,66,300

acres. Now, if my friend allows cultivation of jute on one-third of this area, the area will come up to 81,45,433 acres.

Mr. SURENDRA NATH BISWAS: I submit, the Hon'ble Minister has misunderstood my friend. The total area here means the total area under jute.

The Hon'ble Mr. TAMIZUDDIN KHAN: If I am mistaken, Sir, I shall readily admit my mistake. Let me therefore read out clause (3) of the Bill: No person shall sow or grow jute in more than one-third of the area of culturable lands found in his possession according to the latest record-of-rights finally published or where no record-of-rights has been prepared according to the measurement found in documents or papers in his landlord's *sherista*.

Mr. JOGESH CHANDRA GUPTA: Is it the opinion of the Hon'ble Minister that jute can be cultivated on paddy lands?

Mr. UPENDRANATH EDBAR: May be; there is no harm.

The Hon'ble Mr. TAMIZUDDIN KHAN: I have said that my friend will allow cultivation of jute on one-third of the total area of the culturable land in the province and that one-third comes up to 81,45,433 acres. At present, taking the figures of 1936, jute is grown on 21,56,800 acres of land, *i.e.*, about a quarter of the area which my friend will allow according to his scheme. (Laughter from Coalition Benches.) Therefore, driven to its logical conclusion under my friend's scheme, it is theoretically possible for the cultivators of Bengal to grow jute on four times the present area. (MR. SURENDRA NATH BISWAS: Don't exploit an innocent mistake.)

Sir, my friend Mr. J. C. Gupta, while interrupting me, has pointed out that certainly jute will not be grown on paddy lands. I admit that, Sir, to a large extent, but can we make a scheme in a haphazard way like that? There are people who have lands on which nothing but jute can be grown. Supposing a cultivator has 12 bighas of land. My friend will allow him to grow jute on only 4 bighas of his land. Now, what will he do with his other 8 bighas? There are so many unprobabilities in this scheme that it is impossible to support it. If anybody looks at it with an eye of scrutiny, he will easily find out the improbabilities that the scheme involves.

Then, Sir, the reduction of cultivation cannot be arrived at in that short cut fashion. First of all, it is necessary that the exact area now under jute should be found out, and I admit, Sir, that this has not been found possible as yet. We have not got statistics about the exact area that is under jute. So far as the statistics available at present are concerned, they are not altogether reliable, and any scheme based upon those statistics will be doomed to failure.

Then, Sir, my friend wants to fix the minimum price of jute at Rs. 10. While speaking on a cut motion during the budget discussions, I had occasion to speak on this subject. I think, Sir, without evolving a satisfactory scheme for the control of jute cultivation and without giving effect to such a scheme, it is impossible to fix the minimum price for jute. My friend of course puts both the things together. So far, his idea is quite correct. But I have already shown that his first premise is absolutely wrong. He has not given us a feasible scheme for control of jute cultivation, and that being so, the next thing, viz., fixation of the minimum price for jute, falls to the ground.

Again, Sir, Rs. 10, I think, is not an amount at which the price of jute can be fixed under present circumstances. If that is done now, then, as I said the other day during the budget discussions, the results will be simply disastrous. Jute will not be sold at all. Supposing that the minimum price is fixed at Rs. 10, when the jute season comes, the purchasers will in all probability combine with the result that no jute will be purchased at all. What will then be the plight of the cultivators? They will be absolutely ruined. Therefore, this scheme is altogether impracticable. But my friend's imagination comes to his rescue. He has prescribed a remedy. He provides in his Bill that if jute is not sold at the minimum price, the Government should come forward and purchase all the remaining jute at the fixed minimum price. (Laughter from Coalition Benches.) Supposing that for 2 or 3 months no jute is sold, then it will be the duty of Government under my friend's scheme to purchase all the remaining jute. How many crores of rupees will be necessary for that purpose? Will my friend calculate and find out the figure? I submit, Sir, that this is an absurd scheme and an unworkable scheme, and nobody can think of giving effect to a scheme like this.

Again, Sir, everyone knows that there are other provinces which also grow jute. My friend has not said a single word, so far as other provinces are concerned. Supposing that we in this province fix the minimum price at Rs. 10, what will be the result? We cannot sell out jute because there is no market for it at that price, and Bihar and Assam will merrily sell their jute at Rs. 8 or Rs. 7 or Rs. 5 or whatever may be its market price at the time. Therefore, Sir, if my friend's scheme is accepted, it will pave the way for the ruination of the jute-growers of Bengal. It is not possible to fix a permanent minimum price for all years. (Maulvi Abu Hossain Sarkar: Don't show your ignorance on the subject.) The world demand fluctuates. It increases one year, and decreases the next year. Therefore, Sir, jute cannot be sold at the same price every year. (Maulvi Abu Hossain Sarkar: What is the necessity for a long speech? Why don't you clearly say that you are not going to fix the minimum price?) I do not say, Sir, that it cannot be done; it can be done, but not in the way that my honourable friend suggests. (Maulvi Abu Hossain

SARKAR: In what way then?) Sir, my honourable friend cannot suggest the proper way himself, and he wants to force me to give an answer offhand as to what is the proper way. This much I can tell him that Government is considering what is the proper way, and when the report of the Jute Committee is submitted, Government will seriously consider this question and will come to a proper decision. (Maulvi ABU HOSSAIN SARKAR: Will that be possible during the next three years?)

Mr. SPEAKER: Maulvi Abu Hossain Sarkar, after I have told you that you will have an opportunity to give a reply, don't you think that you can practise rising up and interruping outside this House and not here?

The Hon'ble Mr. TAMIZUDDIN KHAN: Then, Sir, my friend has said that there has been a demand for several crores of sand-bags from Europe, and that this will exhaust the last maund of jute that is in Bengal to-day. My friend is grievously mistaken there. That demand can be met out of the present stock of hessian that the jute mills have got—not to speak of the raw jute that is in the hands of the jute mills or other dealers. My friend is absolutely wrong when he thinks that the demand for sand-bags will help my friend's scheme in any way whatsoever.

Sir, there are other improbabilities in the scheme of my honourable friend as embodied in the Bill. I do not want to deal with all of them. It is not necessary to do so, because if the major questions that he has tried to solve by his scheme are as far away from solution as ever, I think that it is quite useless to refer to the smaller improbabilities of the Bill. I would, therefore, request the House not to accept the proposition of my honourable friend.

Maulvi ABU HOSSAIN SARKAR: With reference to the answer given by my friend, the Hon'ble Mr. Tamizuddin Khan, I may say that he has grown wiser within three months of his holding the ministerial portfolio than we expected of him. Just before accepting the portfolio, this Mr. Tamizuddin Khan agreed with all the principles of my Bill and then within three months of his entering the Cabinet, he has imbibed all the qualities of a bureaucratic Government. In substance what has he said about the provisions of my Bill? He described one of my propositions as impossible, another as impracticable, the next as difficult and the other proposition as unworkable! This means that he has made up his mind not to do anything to fix the price of jute in Bengal. He has played with words and quoted some catch words invented by the bureaucratic Government to beguile the poor and ignorant people of our country.

Then, Sir, he has given us some sermons. He told us that I did not make any practical suggestion. I submit, Sir, that all the suggestions that are given in my Bill are practical, provided only that the ministry has a mind to bring them to practice. If they want to avoid everything, there will be as in the present case jugglery of words and they will interweave words after words only to beguile the unwary and ignorant people of our country.

Now, Sir, with regard to the stock of jute which at present exists in Bengal: I have given the Hon'ble Minister a clear data from the report of the Jute Enquiry Committee published in to-day's papers that up to this time there are only 30 lakhs of bales of jute in stock with the jute mill-owners. If the mills manufacture 20 crores of bags, I think the whole stock will be exhausted.

Then, Sir, the Hon'ble Minister says that unless and until the report of the Jute Enquiry Committee comes forward, it is not possible to send the Bill to the select committee. I submit, it is no reason against, but rather an additional ground for, the Bill to be submitted to the select committee. In the meantime the report will be ready. I had a talk with some of the members who are working in the Jute Committee, and it is expected that the report will be ready in a short time: they are all anxious to submit the report very soon. If we get that report during the consideration of the Bill in the select committee, there will be ample scope for improving the Bill there. I do not say that my Bill is perfect. There may be some defects; there may be some provisions which may not be acceptable to Government, and that is the reason why I propose the Bill to be sent to the select committee. If the principle of the Bill is accepted and if the select committee take into consideration the various provisions of the Bill, we can then examine the various jute experts, jute mill-owners and other gentlemen who have expert knowledge about jute growing, cultivation, etc. So there will be ample opportunity of taking the opinion of other men later on. During the consideration of the Bill in the select committee all the points which the Hon'ble Minister has suggested can also be thrashed out and gone into and the Bill may be improved according to the requirements of the country.

As a matter of fact, the Hon'ble Minister has accepted the principle of my Bill; in many things he is at one with me and, as he said, there are few points on which we differ, and those also can be reconciled when the Bill is considered in the select committee. So I hope that instead of playing with words and instead of beguiling the people and misleading the country, the Hon'ble Minister will be kind enough to try and raise the price of jute.

I am sorry to find, Sir, that he has forgotten all his endeavours, all his speeches and all his assurances he gave just before he entered the Cabinet. I hope he will remember all these things and tax his

memory regarding what he said only during the last session of the Assembly. Now sitting in the ministerial *guddy*, he has conveniently forgetten all the assurances he had given to the country for fixing the price of jute. Instead, the Hon'ble Minister has betrayed a sad ignorance of the amount of jute produced in other countries.

It will be seen from the Jute Forecast that only 6½ per cent. of the total production of jute is produced in Assam; 7½ per cent. is produced in Bihar and ·7 per cent. is produced in Orissa. If we put together all the jute produced in other provinces, we will see that only 15 to 16 per cent. of the total requirement is produced in them which, I may say, will not meet even the internal consumption of India.

Sir, the Ministers of Agriculture of other provinces are ready to co-operate with the Hon'ble Minister in bringing the required result. If he calls a conference of Ministers and if they all make team-work, then enormous good could be done to Bengal and her neighbouring provinces. Instead of doing that, the Hon'ble Minister is evading the question.

I may remind the Hon'ble Minister that the price of sugar has been fixed in the United Provinces, Bihar and some other provinces. I may also remind him that in America provision has been made for the disposal of surplus production of cotton.

I may bring to the notice of the Hon'ble Minister that most of the countries in the world have accepted that principle; for example, New Zealand, Ireland, Queensland, and some other provinces of the United States have already taken that matter in their hands. If the Hon'ble Minister wants to enlighten himself in this matter, he should read very carefully the Report of the Jute Committee which was published in the year 1934 and of which the Hon'ble Speaker was a member. There all the points were discussed threadbare. I am sorry, Sir, that the Hon'ble Minister has given us a sad spectacle and betrayed ignorance of the trend of the world movement with regard to the fixing of the price of crops.

The motion of Maulvi Abu Hossain Sarkar that the Bengal Jute Bill, 1937, be referred to a select committee consisting of—

(1) The Hon'ble Maulvi Tamizuddin Khan,

(2) Dr. Nalinaksha Sanyal,

(3) Mr. Pramatha Nath Banerjee,

(4) Mr. Syed Jalaluddin Hashemy,

(5) Maulvi Abdul Bari,

(6) Mr. Surendra Nath Biswas,

(7) Mr. Promatha Ranjan Thakur.

(8) Mr. G. Morgan,

(9) Mr. W. A. M. Walker,

(10) Mr. Syed Hasan Ali Chowdhury,

(11) Mr. Shahedali, and

(12) the mover,

with instructions to submit their report by the 1st September 1939, and that the quorum of the select committee be fixed at five, was then put and a division taken:—

AYES—55.

Abdul Jabbar Patwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarker, Maulvi.
Abul Fazl, Mr. Md.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Mr. Manoranjan.
Barma, Babu Promhari.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Manmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deiui, Mr. Harendra.
Dutta, Mr. Sukumar.
Emdadul Haque, Kazi.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mukherji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinisha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Sur, Mr. Harendra Kumar.
Zaman, Mr. A. M. A.

NOES—38.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mia.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Kader, Mr. *alias* Lal Miah.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdus Shaheed, Maulvi Md.
Abul Hashem, Maulvi.
Abul Hossain, Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Aftab Hosain Jeardar, Maulvi.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Asiad Hossain, Khan Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edher, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.

Faziul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman, Mr.
(Mymensingh).
Gomes, Mr. S. A.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Soleiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Salim, Mr. S. A.
Sanaullah, Dr.
Sarker, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, The Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. C.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 55 and the Noes 88, the motion was lost.

Adjournment.

The House was then adjourned till 4-45 p.m. on Thursday the 30th March 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 30th March, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 204 members.

STARRED QUESTIONS

(to which oral answers were given)

Patni community.

*291. **Babu MADHUSUDAN SARKAR:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that there is a community known as the Patni community in Bengal;

(*ii*) that their main profession is to ply over the river;

(*iii*) that their profession is gradually being usurped by up-country men; and

(*iv*) that the Patni community is gradually being ousted from their profession?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, do the Government propose to take in the matter?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) and (*ii*) Yes.

(*iii*) and (*iv*) A number of ferries managed by local bodies have been leased to up-country men, but I cannot say to what extent members of this community have been displaced.

(*b*) I propose to bring the hon'ble member's question to the notice of the District Board and other local bodies to whom the management of public ferries has been made over, and I suggest that the hon'ble member and others interested in the welfare of the community should endeavour to have the matter discussed at meetings of these bodies.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if the Bengali Patni community have proved a failure in many districts?

Mr. SPEAKER: How does that question arise?

Babu MADHUSUDAN SARKAR: With reference to answer (*a*) (*iii*) and (*iv*) where it is said, "but I cannot say to what extent members of this community have been displaced," will the Hon'ble Minister be pleased to direct an enquiry to ascertain the number of members of this community displaced?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid it will not be possible to do so.

Mr. PROMATHA RANJAN THAKUR: With reference to the same answer, namely, (*a*) (*iii*) and (*iv*), is the Hon'ble Minister aware that Mr. Satis Das Gupta of the Khadi Pratisthan brought this to the notice of the Government times without number?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It may be so but I am not aware.

Babu KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state whether the Government is quite unable to set up any machinery to stop this up-country invasion?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: My reply to (*b*) will show what Government propose to do in the matter.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if it is a fact that District Boards make settlement of public ferries by open auction and it is usually settled with the highest bidder?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That is so, Sir.

Number of Executive and Judicial Officers who completed 30 years of service and 55 years of age.

*292. **Mr. ABDULLAH-AL MAHMOOD:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) the number of officers serving at present in Judiciary and Executive who have completed 30 years' service and 55 years of age; and

(*ii*) what steps, if any, do the Government contemplate taking with regard to their retirement?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*i*) I presume that the hon'ble members refer to the Judicial and Executive branches of the Provincial Services. The number is seven officers in all; four in the Bengal Civil Service and three in the Bengal Junior Civil Service

(*ii*) These were all re-employed in 1938 for a period of one year after reaching the age of superannuation as a temporary means of making good a serious deficiency of recruitment. They are all approaching the end of their one year's term, and will all have gone back into retirement by the end of July, 1939.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*ii*) where it is said, "These were all re-employed in 1938 for a period of one year after reaching the age of superannuation as a temporary means of making good a serious deficiency of recruitment," does it mean that suitable candidates were not available?

The Hon'ble Mr. NALINI RANJAN SARKER: No.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to enlighten us whether the same principle and policy will be applied in the case of European officers, particularly in the Police Department?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: The Hon'ble Minister says in his answer "with reference to the Judicial and Executive branches." I want to know whether it is so in all the departments?

Mr. SPEAKER: It is outside the scope of this question.

(After the next question was called Mr. Abdulla-Al Mahmood rose to put his supplementary question.)

Mr. ABDULLA-AL MAHMOOD: The answer which the Hon'ble Minister has given in reply to my question No. 292 is not the answer that was wanted.

Mr. SPEAKER: I quite understand the point, but I should have expected you to rise in your place earlier. It is my principle to give the first opportunity to the member who has put the question. I looked at you but you did not rise in time. Then I allowed the member who rose to my left to put his question. Even after that you did not rise in your place. I am sorry.

Abolition of Chatal Circuit embankment in Midnapore.

*293. **Mr. HARENDRA NATH DOLUI:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) of the abolition of the Ghatal Circuit embankment in the district of Midnapore; and

(*ii*) that the inhabitants of this area have received no crop at all for over 20 years?

(*b*) If the answer to (*a*) is in the affirmative, is there any desirability of the Government to devise ways and means for the improvement of the agricultural resource of the area mentioned?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) Yes.

(*ii*) All the arable land within the area yields crops and there has been no case of total failure within the last 20 years.

(*b*) Owing to their evil effects on river conservancy, public health and the productivity of the soil, it is the policy of Government not to encourage any new embankments, and as far as it is possible to do so without materially affecting vested interests, gradually to abandon existing embankments. The Ghatal Circuit embankment was abandoned in accordance with this policy, and I believe that public health and the productivity of the soil in the area in question have decidedly improved in consequence. Although in certain low areas the cultivation of *kharif* crops is not yet possible as the land has not been raised sufficiently by natural silt deposit, *boro* and *rabi* crops are being grown in the dry season, for which purpose all reasonable irrigation facilities are being given. The possibility of improvement is also being examined.

Mr. HARENDRA NATH DOLUI: Will the Hon'ble Minister be pleased to state whether $\frac{1}{8}$th of the arable land yields crops?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is very difficult to give the exact proportion.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state the area affected by the discontinuance of the embankment?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think it is a big area but it is difficult to give any idea about the size.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether before abandoning that embankment Government did consider the fact that the abandonment would affect a large area of arable land fit for cultivation?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Government took all things into consideration and was of opinion that the state of things would be worse if the embankment was not abandoned.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state if in the case of partial failure of crops there would be a remission of rent by the Government?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That is more than I can say.

Mr. NIKUNJA BEHARI MAITI: With reference to answer (*b*) where it is said "that all reasonable irrigation facilities are being given," what are those reasonable irrigation facilities?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I believe the smaller waterways in that area are always available for irrigating the land.

Mr. NIKUNJA BEHARI MAITI: With reference to his answer (*b*), last line, "the possibility of improvement is also being examined," will the Hon'ble Minister be pleased to state what is the scheme which he has in view regarding the improvement of the area?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is very difficult to give an idea as to the exact method which would be ultimately employed for the improvement of the land. But there are very many factors which have got to be taken into consideration including the right in waterways by private parties and the policy which the Department is following in this direction. We are trying to raise the level of the land by the deposition of silt of the river with the least possible damage to the standing crops.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether, so long as sufficient improvement is not made, Government will grant compensation for the loss incurred by the cultivators in the affected areas?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I do not think, Sir, that it is a practical proposition

Appointment of Inspectors and Auditors in Co-operative Department in the regime of the Hon'ble Minister.

*294. **Mr. ABDUR RASCHID MAHMOOD:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) how many Inspectors and Auditors have been appointed during his regime;

(*b*) how many of them are (1) Hindus and (2) Muslims;

(*c*) how many of them have been appointed from each district;

(*d*) what are their qualifications;

(*e*) how many have been appointed from the district of Pabna;

(*f*) how many candidates applied for these posts from this district;

(*g*) what are their qualifications;

(*h*) how many of them are (1) Hindus and (2) Muslims;

(*i*) whether any Muslim has been appointed from the district of Pabna;

(*j*) if the answer to (*i*) is in the negative, the reason for the exclusion of the Pabna district;

(*k*) have some districts been given special preference to other districts;

(*l*) what was the basis on which the appointments were made; and

(*m*) how many Inspectors and Auditors have been appointed from the districts of Bakarganj and Khulna, respectively?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) Inspectors 26 and Auditors 40.

(*b*), (*c*) and (*m*) Two statements are laid on the Library table.

(*d*) All were graduates, excepting two undergraduates appointed as Auditors.

(*e*) and (*i*) None; two were selected for training, but one refused and the other resigned while under training.

(*f*), (*g*) and (*h*) Information is not available.

(*j*) Does not arise.

(*k*) No.

(*l*) The hon'ble member is referred to the reply given in this House on the 22nd February, 1938, to starred question No. 52 and to the replies made to the supplementary questions.

Babu NAGENDRA NATH SEN: With reference to answer (*a*), will the Hon'ble Minister be pleased to state whether these appointments were made on the recommendation of the Public Service Commission?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*d*), will the Hon'ble Minister be pleased to state why he took two under-graduates? What is the minimum qualification for appointment as auditor?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Intermediate.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*f*), (*g*) and (*h*), will the Hon'ble Minister be pleased to state the reason why the information is not available?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I may refresh the memory of the honourable member by reminding him of the answer that I gave to questions of this nature for a number of times. There I mentioned that all these applications were referred to the District Magistrates for making preliminary selections, and only those that were recommended came here. Therefore, the information is not available.

Mr. SYED JALALUDDIN HASHEMY: On a point of order, Sir. Are not the members of the House entitled to have the information that has been asked for? Is it not debarring the members of this House from their legitimate rights and privileges? The information asked

for here could have been obtained from the respective District Officers. I submit, it encroaches upon the rights and privileges of the members of this House, and I hope you will ask the Hon'ble Minister to give a proper reply to this question.

Mr. SPEAKER: I feel that sometimes it is simply impossible to gather all information in connection with the applications made for vacant posts. As a matter of fact, there were some posts vacant in our department, and if I am asked as to how many applications were filed for those posts, perhaps I would have given even a stronger reply than what the Hon'ble Minister has given. So far as the question of your right of having a reply is concerned, I cannot help you, even if such information is available in the Secretariat, if the Hon'ble Minister does not give any reply except saying that he will try to obtain information.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state why two under-graduates were taken?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Because they did very well at the competitive examination.

Mr. PREMHARI BARMA: Will the Hon'ble Minister be pleased to state to which districts these two candidates belong?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as I remember, one comes from Mymensingh and the other from Bakarganj.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় বোলেছেন ইনস্পেক্টর ২৬ জন এবং অডিটর ৪০ জন appoint করা হয়েছে; এ গুলি কি যাদের under training এ রাখা হয়েছে তাদের include কোরে না তাদের বাদ দিয়ে?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All of them along with others were subjected to a training at the end of which they were examined and on the result of that examination the appointments have been made.

Mr. MIRZA ABDUL HAFIZ: With reference to answer (*e*) and (*i*), will the Hon'ble Minister be pleased to state whether one or both of them were Hindus?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I want notice.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state how many candidates have been placed under training?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I think I gave an answer to such a question in February last. If I remember aright, 48 were placed under training for auditorship and 32 for inspectorship.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state what were the reasons for refusal by one and resignation by another while under training?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It all depended upon their personal liking.

Maulvi ABUL HASHIM: Will the Hon'ble Minister be pleased to state whether Government think that those gentlemen who possess the degree of B.A are superior to those who do not possess that degree in all respects?

Mr. SPEAKER: It is all a question of thinking.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি training এ কতগুলি auditor এবং inspector বর্ত্তমান আছে?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any appointments were made out of the list which was sent over to the Public Service Commission for scrutiny just before the beginning of this session?

Mr. SPEAKER: How does that question arise? It does not appear that any list was sent to the Public Service Commission.

Dr. NALINAKSHA SANYAL: In reply to the supplementary question of my friend Mr. Nagendra Nath Sen, viz., whether these appointments were made on the recommendation of the Public Service Commission, the Hon'ble Minister has said that there has been no recommendation of the Public Service Commission so far. And that is why I want further information if any applications have been sent to the Public Service Commission for recommendation.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir, not with respect to inspectors and auditors.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state if it is a fact that these candidates proved incompetent, and that afterwards one was forced to resign?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that a number of such candidates have been interviewed by the Public Service Commission on the understanding that they would be appointed in the Co-operative Department as Auditors or Inspectors?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state for what services under the Hon'ble Minister such interviews were being arranged? Was it for Debt Settlement Officers?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not quite understand the honourable member's question.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Annual Report of Local Audit Department, 1936-37.

109. Mr. NISHITHA NATH KUNDU: (*a*) Has the attention of the Hon'ble Minister in charge of the Local Self-Government Department been drawn to the remarks incorporated in the Annual Report on the Working of the Local Audit Department for the year 1936-37 published by the Department of Public Health and Local Self-Government, Government of Bengal, at page 25 under heading III (B) illegal and unauthorised or excess expenditure in paragraph 50(*ii*) to the effect "Dinajpur—A caterpillar tractor and road grader was purchased at a cost of Rs. 16,703 without obtaining the previous sanction of the Commissioner of the Division and Superintending Engineer"?

(*b*) Who is or are responsible for the unauthorised expenditure?

(*c*) What steps, if any, have been taken to remedy the defect?

(*d*) Is the Hon'ble Minister aware that the aforesaid caterpillar tractor and road grader has been giving no service?

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Minister in charge of the Local Self-Government Department): (*a*) Yes.

(*b*) and (*c*) Under the rules, the District Board should have obtained the approval of the Divisional Commissioner, through the Inspector of Local Works, to the estimate of the cost of the machine. This approval was, however, subsequently obtained.

(*d*) The machine is reported to have given satisfactory service for three seasons and to be now awaiting repairs.

Mr. NISHITHA NATH KUNDU: With reference to answers (*b*) and (*c*), will the Hon'ble Hon'ble Minister be pleased to state when this approval was obtained—how long after the purchase?

The Hon'ble Mr. H. S. SUHRAWARDY: Shortly after. I have not got the date, and I would like to have notice if the honourable member wants to have more definite information.

Mr. NISHITHA NATH KUNDU: Did the Hon'ble Minister enquire why the rules referred to in answers (*b*) and (*c*) were not observed in this case involving a heavy expenditure of Rs 16,000 and odd?

Mr. SPEAKER: These rules are for observance by the District Boards. When they did not obtain the approval, how could the Hon'ble Minister know that this was not done?

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the rules referred to in answers (*b*) and (*c*) were not observed in this case?

The Hon'ble Mr. H. S. SUHRAWARDY: How can I say that?

Mr. SPEAKER: Yes, how can the Hon'ble Minister say that?

Dr. NALINAKSHA SANYAL: My question was that the rules were not observed.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what action, if any, has been taken by Government?

The Hon'ble Mr. H. S. SUHRAWARDY: No action has been taken because the necessary consent had been obtained of the Divisional Commissioner.

Mr. NISHITHA NATH KUNDU: Sir, my question has not been answered.

Mr. SPEAKER: What Mr. Kundu wants to know is that in view of the fact that the District Board did obtain the approval of the Divisional Commissioner, and that why such approval was obtained subsequently, and whether the Divisional Commissioner has taken steps to avoid such violation of the rules.

The Hon'ble Mr. H. S. SUHRAWARDY: No steps have been taken because, I suppose, the Divisional Commissioner did not think this matter sufficiently important to take any steps.

Mr. NISHITHA NATH KUNDU: Sir, I submit that my question (*b*), viz., "Who is or are responsible for the unauthorised expenditure", has not been answered.

Mr. SPEAKER: That question hardly arises.

Mr. NISHITHA NATH KUNDU: I want to know, Sir, who took the initiative.

Mr. SPEAKER: That question does not arise at all, and even if it does, it is a matter for the District Board to answer. It is with great reluctance that I admitted this question. The opinion of my department was that it was not admissible; yet I thought that, in view of the fact that there was violation of some rule, I should allow it; but I can't allow you to put questions about matters which do not come within the administrative control of Government. I hope you will realise my point. I am, however, quite prepared to allow you to find out the responsibility of Government in the matter.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether this unauthorised expenditure was made on the initiative of the Chairman of the District Board or by virtue of a regulation?

Mr. SPEAKER: That question does not arise.

Reports by the Circle Officer, Hajiganj, against some ex-P[illegible] Union Boards of his circle.

110. Maulvi JONAB ALI MAJUMDAR: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the Circle Officer, Hajiganj, in the district of Tippera, submitted reports against some ex-Presidents of Union Boards of his circle to the Subdivisional Officer, Chandpur, for not making over charge of Union Board records to the newly elected Presidents after the last election of Union Board Presidents?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state how many such reports against ex-Presidents were submitted by the Circle Officer, Hajiganj, up to the 31st December, 1938?

(*c*) Who are those persons (Presidents and clerks) against whom such reports were submitted?

(*d*) In how many of such cases notices to show cause against criminal prosecution were issued by the Subdivisional Officer, Chandpur?

(*e*) Will the Hon'ble Minister be pleased to lay on the table a statement showing, name by name—

(*i*) the dates on which reports were to be submitted; and

(*ii*) the dates of issuing notices against criminal prosecutions thereon?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) and (*b*) Only one such report was submitted.

(*c*) Ex-President Maulvi Jonab Ali Majumdar, M.L.A., and his clerk Maulvi Abdus Sobhan Majumdar.

(*d*) One.

(*e*) (*i*) No direction for submission of such report was given by the Subdivisional Officer.

(*ii*) 14th December, 1938.

Mr. SPEAKER: Before a supplementary question is put, I would only appeal to the members that if there is any likelihood of a question being put affecting the member himself, it is only proper that the question should not be sent in his own name. It does not look well. It is very desirable that we in this Assembly should stick to a certain standard of decorum, and that standard requires—and it is only fair—that a question which is likely to affect the member himself should not be sent in his own name.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware of the fact that the clerk of the ex-President did not allow the records to be taken from the union board office?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of any such fact, Sir.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware of the fact that though there was no order of prosecution against the ex-President, still a notice to show cause was issued?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I fail to understand the question. Who is to give the order?

Mr. DHIRENDRA NATH DATTA: In the ordersheet of the Subdivisional Officer there was no order that a notice should be issued on the ex-President to show cause why he should not be prosecuted, and still, Sir, such notice was issued on him.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I again fail to undertsand the question because the question itself says that the notice was issued by the Subdivisional Officer.

Mr. DHIRENDRA NATH DATTA: But against whom? The question was that there were a good many reports against ex-Presidents, but there was no order by the Subdivisional Officer that notice should be issued against the ex-President in question. As a matter of fact, the notice to show cause why he should not be prosecuted was issued on the ex-President.

Mr. SPEAKER: I do not understand your question either. The question itself says: "Whether it is a fact that the Circle Officer, Hajiganj, in the district of Tippera, submitted reports against some ex-Presidents of Union Boards of his circle to the Subdivisional Officer, Chandpur, for not making over charge of Union Board records."

Mr. DHIRENDRA NATH DATTA: But there was no order in the order-sheet of the Subdivisional Officer that the notice should be issued against the ex-President, and yet the notice was issued on him under the signature of the Subdivisional Officer.

Mr. SPEAKER: That question does not arise. That is a matter for departmental file.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware of the fact that, besides the notice served on him, search warrants were issued against the ex-President and against the clerk in question, to search the houses of the ex-President of the union board and the clerk?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of that fact at all. I would only suggest, Sir, that if the honourable member knows so much about this matter and wants to elicit further information, he should ask questions in a proper form.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that these things were done, because the ex-President happens to be a member of the Opposition?

Mr. SPEAKER: That question does not arise.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether the charge of office was handed over to the office clerk only because the notice was served on him?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. I do not know anything about it.

Cultivation of Tung oil trees in Bengal.

111. Mr. P. BANERJI: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Veterinary Department be pleased to state whether any attempt has so far been made for the cultivation of Tung oil trees in Bengal?

(*b*) If so, with what results?

MINISTER in charge of the AGRICULTURE and VETERINARY DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) Yes

(*b*). Cultivation is still in the experimental stage and it is too early to say what the results may be.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state the place or places where this experiment is being made?

The Hon'ble Mr. TAMIZUDDIN KHAN: In the Botanical Gardens.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state the area involved in the cultivation?

The Hon'ble Mr. TAMIZUDDIN KHAN: The area must necessarily be very small.

Mr. P. BANERJI: Is the Hon'ble Minister aware that in Bihar and Assam experiments were started some 5 years ago?

The Hon'ble Mr. TAMIZUDDIN KHAN: In the Assam tea-gardens this experiment is still going on, but I do not know anything about Bihar.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister explain what is this Tung oil?

Mr. SPEAKER: Mr. Banerji will be able to enlighten you better. (Laughter.)

Mr. NISHITHA NATH KUNDU: Is it permissible under Government rules for private parties to carry on experiments like this?

Mr. SPEAKER: That you can find out for yourself. (Laughter.)

East Indian Railway Co-operative Credit Society.

112. Miss P. B. BELL-HART: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether any frauds have been detected in the East Indian Railway Co-operative Credit Society?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the number of such frauds; and

(*ii*) the total amount involved?

(*c*) Will the Hon'ble Minister be pleased to institute an investigation?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Yes.

(*b*) (*i*) Two and (*ii*) Rs. 15,510.

(*c*) and (*d*) As both the cases were investigated by the police, no further investigation is thought necessary.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*d*), in which the Hon'ble Minister says: "As both the cases were investigated by the police, no further investigation is thought necessary", in cases of fraud is it not desirable that there should be a departmental investigation in spite of the police investigation?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The East India Railway Co-operative Credit Society does not come under our control at all. It is their concern, and the matter was brought to the notice of the police.

Rai HARENDRA NATH CHAUDHURI: What were the results of the police investigation?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The first case of fraud was investigated by the police. The police sent up for trial the person suspected, and the case ended in an acquittal. In the second case for misappropriation of money the clerk was handed over to the police, but as he made good the amount the proceedings against him were withdrawn, but he was however removed from service.

Mr. SURENDRA MOHAN MAITRA: In view of the answer just given by the Hon'ble Minister, is he not still prepared to make a departmental enquiry?

Mr. SPEAKER: There has been a judicial decision resulting in an acquittal.

Mr. SURENDRA MOHAN MAITRA: Quite so, Sir. But from the Hon'ble Minister's reply it appears, on the face of it, that there was defalcation. One case ended in an acquittal, and in another case the proceedings were withdrawn. But, all the same, there was defalcation in the department, and I want to know whether the Hon'ble Minister is willing to make an enquiry?

Mr. SPEAKER: That the Hon'ble Minister has already answered by saying that it does not come under his jurisdiction.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to take any departmental action against those persons who are known to be a party to the defalcation?

Mr. SPEAKER: How can he do so?

Mr. SURENDRA MOHAN MAITRA: I submit, Sir, that, according to law, he can do so undoubtedly.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as I know, these persons did not serve under my department. They served under the East India Railway.

Mr. PROMATHA RANJAN THAKUR: In view of the answer of the Hon'ble Minister that his department has got nothing to do with the Railway Co-operative Credit Society, will the Hon'ble Minister be pleased to state what was the good of admitting this question?

Mr. SPEAKER: If I knew that the Co-operative Department has nothing to do with this society, I would not have admitted it.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state if the Railway Co-operative Credit Society is under the control of the Co-operative Department, that is, under the Registrar?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as audit is concerned.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if these two defalcations were as a result of negligence or want of sufficient caution on the part of auditors and inspectors of the department?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The accounts of this society were not audited by the auditors of the department at all. It was done by independent auditors.

GOVERNMENT BILLS.

The Calcutta Municipal (Amendment) Bill, 1939.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, in the unavoidable absence of the Hon'ble Minister in charge of the Bill, I beg to present the report of the Select Committee on the Calcutta Municipal (Amendment) Bill, 1939.

Bengal Money-lenders Bill.

Mr. SPEAKER: Yesterday, you might remember, I discussed the question of time-table of the Bengal Money-lenders Bill. Since then, I find that Government is proposing not to have any session for about 10 days in April, and probably another week towards the end. I have been rather led to think that whenever there has been any important legislation like the Bengal Tenancy or any other legislation like this, we find that amendments come in such a way that it is sometimes difficult for the parties to find out what will be their attitude in the matter. So I thought that the best way to meet the situation and yet give all parties an opportunity to consider this Bill would be this: on the two days fixed for the purpose, I propose, for the present, to take up only the general discussion, namely, whether it should be

recommitted or it should be sent to the Select Committee or some such things. After that, if there is still one or two minor points, we might take them up, otherwise we might postpone the discussion.

What I propose further is that I will give all parties opportunity to reconsider all the amendments and, in case, any party desires that any fresh amendments are necessary with a view to make an adjustment between the different interests, I shall be very glad to accept them, say, till about 10 days after the print is available to the members. I am doing it with a view to facilitate discussion at a later stage. Will that suit all parties? I would ask the Hon'ble the Home Minister what date would be convenient to begin after the general discussion. Probably it would be convenient to begin towards the end of April.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the next date available will be Monday, the 1st of May.

Mr. SPEAKER: What I propose is that the general discussion should take place on the 3rd and 4th of April and I will be prepared to accept amendments till the 15th of April. I hope that individual members will refrain from bringing in amendments but that they should do so on party basis. If any party finds that a particular amendment is necessary, I shall be very glad to consider it, provided it is sent in time. I should like to know whether the members would like to take up the general discussion of the Money-lenders Bill on the 3rd and 4th April as fixed in the agenda paper. It would probably be convenient not to disturb the agenda because the consideration of the Calcutta Municipal (Amendment) Bill will take some time.

Mr. DEBI PROSAD KHAITAN: May I know if the general discussion will be over on the 4th?

Mr. SPEAKER: I hope, it will be over on the 3rd, but, in case, it is not, I will certainly close the discussion on the 4th. I do not think, general discussion will take more than two days.

Mr. DEBI PROSAD KHAITAN: Sir, may I know when the discussion will take place after the 4th of April?

Mr. SPEAKER: 1st May. With regard to amendments, I might say that if any party or an individual member satisfies me that a particular amendment is vitally necessary, I shall be quite prepared to accept it till the 15th of April, but ordinarily not beyond that. After the 15th April, you can send it, but I shall have to accept it with the greatest reluctance. In any case, I will not shut out any amendment

if it is vitally necessary, but ordinarily I think the different parties will get enough time to consider their attitude towards the Bill and in case they desire to put in amendments, I hope they will send them by the 15th of April.

Maulvi ABDUL BARI: Sir, what is the use of the general discussion? You know very well that the Money-lenders Bill was referred to the Select Committee after a long discussion in the House and when it was referred to the Select Committee, the House was committed to the principles of the Bill. Thereafter it took the Select Committee about a month to discuss the clauses from day to day and they have arrived at the decision as we find in the Select Committee Report. Now, by general discussion, may I know, how it will improve the situation in any way?

Mr. SPEAKER: I understand that the question of competency of the Legislature is a matter which is likely to be raised. I do not think I can shut out an issue like this. Secondly, the question of recommittal has been raised by a good number of members, and I understand that there is likely to be a good deal of discussion on this.

Mr. DEBI PROSAD KHAITAN: I am going to raise the constitutional question as to whether all the provisions of the Bill are *intra vires* or not.

Mr. SPEAKER: Yes, that will also be considered at that time.

Mr. SURENDRA NATH BISWAS: May I know, Sir, what business will be taken up on the 5th and 6th?

Mr. SPEAKER: Other Government business.

The Bengal Finance Bill, 1939.

Mr. SPEAKER: We will now begin discussion on the Bengal Finance Bill.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to move that in clause 3 (*1*), line 1, before the words "Every person" the words "As from the first day of April, 1939" be inserted.

Sir, this amendment is necessary in order to remove any doubt as to the date from which the tax will take effect.

Mr. J. W. CHIPPENDALE: I beg to move that in clause 3 (*1*), in line 1, after the word "income-tax" the words "amounting to rupees three hundred and upwards annually" be inserted.

In moving this amendment I know that perhaps I may not be happy in my figure, but it does not really matter. All that matters is that the principle underlying the amendment should be considered. The principle underlying the amendment is that exemption should be granted to the man who cannot pay. A man who is somehow earning his living and has an income of something like Rs. 300 a month, if exempted, would indeed feel greatly relieved. There are two objections raised with reference to that point. The first objection is that under the rules of the Income-Tax Act, Government will not be able to get proof regarding the income of various persons, but as a matter of fact if we examine this objection we shall find that there is no substance in it for the simple reason that the man who is assessed will himself take the burden of proving that he earns an income of Rs. 300 and no more. It is true that the Government of India will not supply the details, but that does not prevent the man himself from asking for exemption. Everybody who wants to claim exemption under this clause will have to prove his own case. The onus of proof lies upon him.

Perhaps the second objection will be this: under the slab system a man is given an exemption up to Rs. 1,500, that is to say, up to the first Rs. 1,500 of the man's income no tax will be assessed. That is true, but on the other hand upon the balance, say, Rs. 2,100, taking for example an income of Rs. 300 a month, the income-tax instead of being 6 pies in the rupee will be 9 pies in the rupee, and if you will work out the figures you will find that the benefit that he gets is only Rs. 14-1, so that as a matter of fact the provincial Government is now trying to take away the little benefit which the poor man receives under the new slab system. After all when the Central Government framed this Act and also put in the schedule they intended to benefit the poor man. What is the Government of Bengal going to do now? The benefit that is being given by one hand is going to be taken away with the other hand. I wish to place the following before you for your consideration—Ought not the poor man to be exempted? Never mind the figures, just do what is reasonable, and see that the man gets his

exemption. After all I ask that something equitable and reasonable should be done. With these remarks I move the amendment for the consideration of the House.

Dr. NALINAKSHA SANYAL: I will not move the amendment standing in my name but I feel called upon to oppose the motion moved by Mr. Sarker.

Mr. SPEAKER: I will allow you an opportunity to speak after all the motions on clause No. 3 have been moved.

Maulvi ABU HOSSAIN SARKAR: I beg to move that in clause 3 (*1*), in line 1, after the word "income-tax" the words "on an income over three thousand rupees" be inserted.

Mr. SURENDRA NATH BISWAS: I beg to move that in clause 3 (*1*), in line 2, after the figure "1922" the words "having an income of rupees five thousand or over" be inserted.

Mr. DHIRENDRA NATH DATTA: I beg to move that in clause 3 (*1*), in line 2, after the figure "1922" the words "for an income exceeding rupees five thousand" be inserted.

I also beg to move that in clause 3 (*1*), in line 2, after the figure "1922" the words "for an income exceeding rupees three thousand" be inserted.

Babu PREMHARI BARMA: I beg to move that in clause 3 (*1*), in clause 3, after the word "earnings", the words "except the salary of a member of Legislature as such" be inserted.

Mr. DHIRENDRA NATH DATTA: I beg to move that in clause 3 (*1*), line 8, for the word "thirty" the word "five" be substituted.

I beg to move that in clause 3 (*1*), line 8, for the word "thirty" the word "ten" be substituted.

I beg to move that in clause 3 (*1*), line 8, for the word "thirty" the word "fifteen" be substituted.

I beg to move that in clause 3 (*1*), line 8, for the word "thirty" the word "twenty" be substituted.

I beg to move that in clause 3 (*1*), line 8, for the word "thirty" the word "twenty-five" be substituted.

Mr. S. A. COMES: I beg to move that after clause 3 (*1*) but before the explanation, the following be inserted, namely:—

"This tax shall not be payable by those whose income or salary from the said profession, trade, calling or employment does not exceed Rs. 3,600 per year".

Babu NAGENDRA NATH SEN: I beg to move that after clause 3 (*1*), the following proviso be inserted, namely:—

"Provided that in no case shall the tax be greater than the amount of income-tax paid".

Mr. P. BANERJI: I beg to move that in clause 3 (*3*), line 8, for the words "the amount of the tax shall" the words "Ten per cent. of the Tax may" be substituted.

Babu PREMHARI BARMA: I beg to move that in clause 3 (*3*), line 8, for the words "equal to the amount" the words "not exceeding ten per cent." be substituted.

I beg to move that in the proviso to clause 3 (*3*), lines 2, 3 and 4, the words and figure "if the tax be paid prior to the filing of a certificate under section 4 of the Bengal Public Demands Recovery Act, 1913" be deleted.

Khan Bahadur MOHAMMED ALI: I beg to move that after clause 3 (*1*) but before the explanation, the following proviso be inserted, namely:—

"Provided that nothing in this sub-section shall authorise the levy of more than thirty rupees as tax payable by any person for any financial year".

Mr. SPEAKER: I will first ask Mr. Premhari Barma to speak on his motion.

Dr. NALINAKSHA SANYAL: Sir, shall we not have an opportunity to speak on the Hon'ble Mr. Sarker's amendment?

Mr. SPEAKER: All the amendments will be discussed now, and you will get an opportunity to speak.

Dr. NALINAKSHA SANYAL: I only hope you won't forget me.

Mr. SPEAKER: You are too difficult to be forgotten.

Babu PREMHARI BARMA: This Bill proposes to impose tax on profession, trade, calling, and employment. These are the matters which are included in item No. 46 of the second list of the 7th Schedule. I beg to submit that the membership of the Legislature is neither a trade, nor a calling, nor a profession. Therefore, this tax cannot be imposed upon the salary of the members of the Legislature.

Rai HARENDRA NATH CHAUDHURI: Why do you interpret the Act like that?

Babu PREMHARI BARMA: It is not a trade, it is not a calling, therefore this tax cannot be imposed on the salaries of members of the Legislature.

Rai HARENDRA NATH CHAUDHURI: Quite so.

Babu PREMHARI BARMA: Sir, I have moved this amendment in order to make this point clear. If this is not clearly stated in the Bill then those who will be in charge of assessing income-tax will not look to the provision of the Government of India Act or to the second list of the VII Schedule, and those who pay income-tax will have to pay also this tax, but under the provisions we cannot impose any tax on the salary of the members of the Legislature. So, I think that this amendment is necessary to make it clear that those who will be in charge of assessment will not include the salary of the members of the Legislature. With these words, Sir, I commend my motion for the acceptance of the House.

Dr. NALINAKSHA SANYAL: I just want to say a few words about the last-moment surprise sprung upon us by the Hon'ble the Finance Minister. I oppose this amendment on grounds of principle. I feel that no piece of legislation which is likely to tax the people should have any retrospective effect. So far as the provisions of this Bill are concerned, we know that they can only be effective from the date when the Bill receives His Excellency's consent. Now the Hon'ble the Finance Minister suggests that it would have effect as from the 1st April, 1939. If he had some embarrassment due to the fact that the Finance Bill could not be passed in time before the next financial year has commenced, of course it is not for us to help him out of that embarrassment, and it is not for him also to throw away the salutary principle of not imposing taxation with retrospective effect just because of some technical embarrassment. I, therefore, suggest to him that he should carefully consider whether he should insist upon this and open out avenues for further trouble in future, for there may be other pieces of legislation on which also it may be insisted that they should have retrospective effect. We have already before us another piece of

legislation where some members may be insisting upon a retrospective date and probably at that moment the same difficulty will arise, and, therefore, I am holding out a warning to the Hon'ble the Finance Minister that he should think twice before he would press for this last moment's amendment.

Khan Bahadur MOHAMMED ALI: Mr. Speaker, Sir, my amendment is to make one point clear—because it may be questioned later or there may be some misunderstanding or doubt—that a person having different sources of income may not be liable to taxation more than once. If a man has a profession of his own and also has some business of his own he may be called upon to pay the tax from both sources of income. This proviso is to make it absolutely clear that a person having a profession or a calling or employment will have to pay the tax only once. With these words I commend my motion for the acceptance of the House.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, the amendments that have been moved by me will clearly show that I want to do away with a certain iniquity in this Bill. This Bill, Sir, is very iniquitous. A person who has got an income of Rs. 2,000 will be taxed at the rate of Rs. 30 a year and a person who has got an income of Rs. 20,00,000 will be taxed at the same rate of Rs. 30. The Hon'ble the Finance Minister is not probably now aware of the difficulties of persons who have a minimum income of Rs. 2,000. So, Sir, my amendment is this that a person who has got an income of Rs. 5,000 only should be taxed. The Hon'ble the Finance Minister must remember that a lawyer who carries on his profession in the mufassil court shall have to pay a licence fee of Rs. 25 for carrying on the profession and if he lives in a municipal town he will have to pay a municipal fee and further he will have to pay an income-tax of Rs. 30. Sir, bring to your mind the picture of a person who has got an income of only Rs. 2,000 and who has got a family consisting of 20 members! It is very difficult for him to pay the income-tax, the licence fee and further the municipal fee. Oftentimes such a person takes time to pay the income-tax and oftentimes writs are issued against those persons for the realisation of the income-tax. If such a man has to pay a further tax of Rs. 30, it will be indeed very difficult for him. So my submission is—though I am quite sure that submissions from this side of the House are not accepted—that if the Finance Minister cannot accept my amendment, i.e., for an income exceeding Rs. 5,000, let him accept the amendment which speaks of an income exceeding Rs. 3,000 a year, i.e., Rs. 250 per month. A person who has got an income of Rs. 175 per month has a very, very low income. As a matter of fact it will cause serious hardship to such persons. The Hon'ble the Finance Minister probably has forgotten the difficulties of such persons by now

because of the princely income that he is now getting and the Hon'ble Ministers will not be able to understand the difficulties of such persons because all of them have got their fat income, fat salaries and fat allowances. They have forgotten the difficulties of persons who have to maintain a large family with a minimum annual income of Rs. 2,000. My submission is that the Hon'ble the Finance Minister may be persuaded to accept the amendment which speaks of an income of Rs. 3,000. Then, Sir, an attempt has been made to reduce the amount of tax from Rs. 30 to Rs. 25, Rs. 20, Rs. 15, Rs. 10 and Rs. 5. Of course the amount is very small. The difference of Rs. 5 may appear to be very small but to us poor people the difference of Rs. 5 makes much. If the Hon'ble the Finance Minister cannot accept these amendments, I hope he may be persuaded to accept the amendment where it is suggested that instead of the word "thirty" the word "twenty" may be substituted, so that we may be saved a sum of Rs. 10. To us poor people Rs. 10 means much. Though I have the greatest hesitation in moving these amendments because they will not be accepted I feel it is my duty to place them before the House so that the case of the middle-class persons may not be forgotten. Of course the agriculturists will not have to pay and we have to make allowance for the agriculturists. At the same time it should not be forgotten that most of us are here because of the agitation—the constitutional agitation—that was carried on by the middle-class people. Since the year 1885 when the Congress was first started, the constitutional agitation was begun by the middle-classes to which we all belong, and it is with the object of saving the middle-class family that I have brought forward this amendment. But for the agitation by the members of the middle-class families, we would not have got the present constitution and would not have been here.

Mr. SURENDRA NATH BISWAS: Sir, I know the fate of my motion. Still I should make an appeal to the members opposite. I have heard the honourable members of the Coalition Party very often say that Government are running the administration at a very high cost, and they also think that Government should reduce the expenditure. But the Hon'ble the Finance Minister instead of making any retrenchment of the costs of administration has come before us with a further taxation measure. I do not think that the Hon'ble the Finance Minister has been able to make out a case for further taxation, as he has failed to effect any retrenchment. I, however, appeal to the Hon'ble Minister of Finance and the honourable members opposite to at least support my amendment that the additional tax should be assessed on a minimum income of Rs. 5,000 and not Rs. 2,000 as proposed in the Bill. My friend Mr. Datta has suggested a minimum assessable income to be Rs. 3,000, but I insist that the minimum should be Rs. 5,000. Only the other day the Hon'ble the Finance Minister told us that a person having a monthly income of Rs. 165 a month was solvent

enough to pay this tax. My honourable friend, the Finance Minister, having a princely income and a palatial home may say things like that, but we, poor people, and also those having incomes which on an average do not exceed Rs. 400, not to speak of Rs. 165 per month, know where the shoe pinches; we know how difficult it is for those whose income is such or less to carry on their daily life. We know how much they have to spend even for the maintenance of their family, not to speak of other necessary expenses. If they have to live like men, they should not be penalised with any further tax. I appeal to the honourable members opposite to consider whether they would allow Rs. 2,000 to be the minimum assessable income or whether they should fix it at Rs. 5,000 for the purposes of this new tax.

With these words, Sir, I commend my motion to the acceptance of the House.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, a Bill of this type was long overdue. I congratulate the Hon'ble the Finance Minister (cries of "Hear, hear" from the Coalition Benches) for introducing this Bill. Sir, our policy is maximum taxation for people who can afford to pay, if it is in the interest and for the benefit of the poor. Our policy is also minimum taxation for the poor, or no taxation, if possible. Sir, I wish also in anticipation to congratulate him if he explores further avenues of taxation. Sir, there is ample scope for further taxation, viz., the Turf Club and the Behala Dog Racing. When the Hon'ble the Finance Minister will rise up to reply to these things, I would request him to tell us why the Bill which was introduced by the Government—I mean the Bengal Amusement Bill—which opens up another scope for fresh taxation, was not moved, although a date for that particular Bill was fixed. I agree with my friend, Mr. Abu Hossain Sarkar, who has suggested that this taxation should be limited to those persons whose income is above Rs. 3,000. I hope the Hon'ble the Finance Minister will consider this and act according to the wishes of the poorer sections of this House.

Mr. P. BANERJI: Sir, my amendment is very simple. I only suggest to the Hon'ble Minister who began his life from the lowest ladder to realise the position of a man earning only Rs. 166-12 a month. He has got to pay income-tax, but in case of default the penalty is equal to the amount of the tax although the officers are allowed to exercise their discretion in the matter. But in this case, Sir, no discretionary power has been given to the officers. Naturally the tax will be doubled in case of non-payment. Therefore, I suggest to the Hon'ble Minister in case of non-payment not to charge double the amount but an amount not exceeding the amount of the tax, so that the officers can use their own discretion and charge a small penalty.

Mr. BIRENDRA KISHORE RAY CHOUDHURY: Mr. Speaker Sir, I beg to support the amendment moved by the Khan Bahadur t clause 3(1), that in sub-clause (1), after the words "for the time being in force", the following proviso shall be inserted, namely:—

"Provided that nothing in this sub-section shall authorise the lev of more than thirty rupees as tax payable by any person for an financial year".

Sir, the Hon'ble the Finance Minister is anxious that this ne burden of taxation should fall only on those who are best able to bea it. This, however, depends largely on the way the tax is levied. I an afraid, Sir, the above intention of the Hon'ble the Finance Minister i in danger of being frustrated by the uncertainty that arises from th above section as regards whether or not a person is going to be addi tionally taxed on the score of his various taxable interests that may hav been assessed in the preceding financial year. For instance a perso who has been assessed in the preceding financial year, say, for hi earning from profession and, as it may be, from his business also, is h going to be additionally taxed, under this section for each of the abov sources of his earnings, a sum of Rs. 30? Judging from the above vie of the principle of this new taxation as explained by the Hon'ble th Finance Minister, I hope and trust it is not intended that a person shoul be variously taxed and his taxable capacity should be reduced to th minimum. It is to remove this uncertainty and danger that I beg t commend this amendment for acceptance.

Mr. SPEAKER: Before I call Mr. Santosh Kumar Basu to speak, I may draw the attention of the Hon'ble the Finance Minister that Mr. P. Banerji's amendment is divided into two parts—one is to limit the penalty to ten per cent. of the tax and the other to an amount not exceeding the amount of the tax. What Mr. P. Banerji objects to is the provision that the penalty must be equivalent to the tax. I understand that if the Hon'ble the Finance Minister accepts his amendment to limit the penalty to an amount not exceeding the amount of the tax, then Mr. P. Banerji is prepared to withdraw his other amendment.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, Sir, I am prepared to accept the amendment that the amount of the penalty will be an amount not exceeding the amount of the tax.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, I did not desire to table any amendment to this Bill because I was apprehensive that any amendment might not be acceptable to the Hon'ble the Finance Minister on the ground that it might upset the balance of his proposed budget. But I find that some amendments have been tabled which, in

their reasonableness and in their cogency, will demand support even from those who are pessimistic enough not to credit the Finance Minister with any desire to accept any amendments, however small or however insignificant they might be. When I rise to support the amendment moved by Mr. Dhirendra Nath Datta, viz., that incomes up to Rs. 3,000 should be exempted from the taxation, I do not rise to do so with the pessimism which has been voiced by Mr. Dhirendra Nath Datta and a few other members; nor do I credit the Hon'ble the Finance Minister with that amount of hard-heartedness and callousness which have been attributed to him by some of my friends. Sir, I feel that this amendment is so eminently reasonable that even at this late stage the Hon'ble the Finance Minister might be persuaded to accept it. I am only raising my voice on behalf of those struggling juniors in the profession, either the profession of Law or the profession of Medicine, who, we find, have been striving to get a foot-hold for themselves. And just at the time when they can carve out a little niche in a corner of the profession suddenly comes upon them the burden of the municipal tax and the income-tax and, on the top of that, this professional tax, thereby subjecting them to an encirclement of triple taxation which must certainly prove extremely hard to them.

The Hon'ble the Finance Minister will probably say that they do not come within the mischief of the Act until and unless they were assessed to income-tax. I say, Sir, that that is all the more reason why they should be saved from the burden of this additional taxation.

It may probably be well known to the Hon'ble Minister, who is a former Mayor of the city of Calcutta, that under the Calcutta Municipal Act a professional licence tax of Rs. 25 is imposed upon one who has just started his professional practice as a lawyer, doctor or businessman in this city. As soon as he is burdened with an income-tax, this municipal licence tax of Rs. 25 automatically goes up to Rs. 50 under the Statute—I mean the Calcutta Municipal Act; so that when he just steps into the position of being assessed with income-tax, his professional licence fee is automatically doubled from Rs. 25 to Rs. 50, and almost in the train of his misfortunes will come this new professional tax which, I submit, will make his cup of misery full to the brim just on the threshold of his career. When you add these three taxes to the subscriptions to the Bar Association or to the other organizational payments he is called upon to make, there is very little which he can spare for the purpose of purchasing books and reports, which, I submit, is also an essential element of a professional man's career, if professional efficiency is not to be banned from this province.

It is from these points of view, Sir, that I shall make an earnest appeal to the Hon'ble the Finance Minister, who I find, has temporarily

lent his ear just at this moment to a very important official, viz., the Chief Whip of the Coalition Party (laughter), I hope, however, that he will keep his other ear for me (renewed laughter).

Mr. SPEAKER: You are not able to pull his ear? (Laughter.)

Mr. SANTOSH KUMAR BASU: No, Sir.

Sir, although the requirements of his budget and the financial potentialities of this Bill may, to a certain extent, be curtailed if this amendment is accepted, yet in the interest of the juniors in the profession, in the interest of an efficient bar and an efficient medical profession, I should again appeal to the Hon'ble the Finance Minister not to turn a deaf ear to this voice of reason and commonsense, and also to this earnest appeal which is presented before the bar of this House on behalf of the junior members in profession and in business through this amendment of Mr. Dhirendra Nath Datta. Mr. Dhirendra Nath Datta has adopted a method of persuading the Hon'ble the Finance Minister which need not necessarily commend itself to me. He has said that perhaps the Hon'ble the Finance Minister may not be persuaded to-day, because he no longer knows the pinch of poverty. Sir, I am not going to adopt that argument. If a man has to rise from the lowest rung of the ladder to the highest rung in profession or in business, he can never, never forget his days of hard struggle. It is not a matter of shame; it is a matter of glory. I must appeal to the Hon'ble the Finance Minister to realise in his heart of hearts the woes of the struggling juniors. Had the Hon'ble the Chief Minister been here, I would have appealed to his experience which he has gathered from the crowd of juniors whom he has supported and with whom he has always sympathised. I would ask both of them to consider and grasp the realities of the situation and to frame this Bill in accordance therewith.

Babu NAGENDRA NATH SEN: Sir,——

Mr. SPEAKER: Do you want to speak?

Babu NAGENDRA NATH SEN: Yes, Sir.

Mr. SPEAKER: All right, but please try to finish your speech in two minutes.

Babu NAGENDRA NATH SEN: Thank you, Sir.

Sir, in some cases where a proposed assessee is reported to have an income of Rs. 2,000, sometimes it so happens that the person has shown an income just below Rs. 2,000, but the Income-tax Department has assessed his income at a slightly higher amount and in order to make it acceptable to the law has provided for some marginal remedies. In those cases, the Income-tax Department may reduce the tax to so much as would be the amount in excess of the taxable income. Thus, if a person gives his income as Rs. 1,999 the Income-tax Department may assess it at Rs. 2,010. Ordinarily, for Rs. 2,000 a person has got to pay Rs. 62 and odd and for another Rs. 10 something like twenty pice, but it is permissible for the Income-tax Department to reduce the tax for not accepting his income as Rs. 1,999 and assessing it at Rs. 2,010 and tax him at Rs. 10 only. So, in some cases, the income-tax to be paid by any person is something less than Rs. 30. Sir, as the proverb goes, the seed can in no circumstances be larger than the fruit itself (Laughter) so, I appeal to the Hon'ble the Finance Minister that a person who pays income-tax at less than Rs. 30 should not be made to pay, more than Rs. 30 under the new tax, the more so as it is an ungraduated tax. I hope that the Hon'ble the Finance Minister will keep in view the case of persons who are unable to pay and feel the pangs of poverty and of persons who, though not feeling the pangs of poverty, are not well off to pay the tax.

Point of order.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, I rise on a point of order. I want to place before you the fact that I had another amendment which has been disallowed by you. The amendment was about the income-tax rates mentioned in schedule 3 of clause 2. I gave a schedule, Sir, showing the income-tax——

Mr. SPEAKER: Yes, yes. I remember all about it. I might say that, so far as that amendment was concerned, I did not allow it on the ground that I thought that the principle of income-tax was a graduated one while the principle of the provincial tax was not a graduated one; and the moment you bring in a schedule you go beyond the competency of the provincial Legislature.

Mr. DHIRENDRA NATH DATTA: This tax too is dependable upon the amount of income.

Mr SPEAKER: It is a very debatable point, and I am not going to risk an opinion about it. I know that it has been tried in one province, but I am not sure whether this can be done.

Mr. DHIRENDRA NATH DATTA: Sir, it has been done in the United Provinces.

Mr. SPEAKER: Yes, I know that, but I am not prepared to do it here.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I want to take up the objections of Dr. Sanyal to this Bill first. I know that there is not much argument behind his motion. He wants to oppose, and he wants to take up the first opportunity of showing that he has risen in opposition to this Bill. The month of March is still continuing, so there is no question of retrospective effect. In all these taxation measures, it is usual, Sir, to put 1st April as the date of the liability of the tax, as has been done in the case of the Bengal Amusements Tax and in the case of the Bengal Motor Vehicles Tax, and this is also the practice with the measures of the Central Assembly.

Then, Sir, I feel that it is not necessary to say much in reply to the arguments of Mr. Surendra Nath Biswas because he has merely appealed to the Coalition Party to accept his views. He voiced the sentiment expressed in the Bengali couplet:

"উপকারী মিত্র বোলে মন্ত্রণা দিতেছি—রাখ বা না রাখ কথা তবু বলিতেছি"।

His argument is "though you belong to the Coalition Party, I am your friend, I am giving you right advice; whether you will accept it or not depends on you. I want to say that that will be to your benefit".

Mr. Dhirendra Nath Datta has said that I have forgotten my old days and so I do not know how poverty pinches in the case of those whose income is Rs. 2,000 and over. Sir, it is because I remember it too vividly that I have decided, in spite of various discussion and various insistence on me, to exclude those with an income up to Rs. 2,000. Sir, I know there is a great difference between an income of Rs. 2,000 and that of Rs. 50. Eighty per cent. of the population of Bengal live on an income of Rs. 50 or Rs. 60 and we are constantly reminded of that fact by my friends on the opposite. It is because I know the difference an income of Rs. 2,000 makes compared with an income of Rs. 50 or Rs. 60. I consider that although Rs. 30 of an income of Rs. 2,000 may be a little hardship, it is not such a hardship as cannot be borne. Those who have got an income of Rs. 2,000 have been paying income-tax for the last few years without much complaint. Every tax is resented by everybody; even the Bengal Chamber of Commerce tried their level best to reduce the income-tax rate; even millionaires try their level best to reduce the income-tax. I know those who have got an income of

Rs. 2,000 have protested against and resented the payment of income-tax, but I have not seen anybody who has failed to pay this tax. This year also a person with an income of Rs. 2,000 to Rs. 3,000 will be paying the same amount, as he has been paying for the last 3 or 4 years, with only this difference that the amount will now be distributed between two Governments, namely, the Central Government and the Provincial Government. Up to Rs. 3,000, he will not have to pay one pice more than what he was paying all these years. That is the reason, Sir, why I have not been able to accept the motions of Mr. Dhirendra Nath Datta and others on the Opposite side in spite of Mr. Santosh Kumar Basu's arguments. I know, Sir, that professional men nowadays are passing through great difficulties. But I do not think that those who have got an income of Rs. 2,000 or Rs. 3,000 a year even in the profession under the existing condition of things, will not be able to pay this Rs. 30 to the provincial Government.

Mr. Basu has said that in some towns, people are paying professional tax to the municipalities. Sir, there is a great difference between the municipal tax and the provincial tax. Municipal tax is given in return for some amenities which people are getting and this municipal tax is not a new tax. They have been paying this along with the income-tax for the last few years. Even if it is considered very much burdensome, the proposed tax is not going to add to the burden, it would only mean that the present condition will continue. So, I am sorry, I have not been able to accept the suggestions made by Mr. Santosh Kumar Basu.

Mr. Dhirendra Nath Datta first insisted upon raising the taxable limit higher, and in the second set of amendments he moved for reducing the amount of tax which seems to me to be rather amusing. He is always insisting on socialism. He wants to remove social inequalities and this taxation method is one of the ways by which social iniquities are sought to be corrected. He himself has said on various occasions that the income of the rural population is very low. Eighty per cent. of the population live on agriculture and their income is very low. So if you want to equalise, if you want to have social justice, you can do so by this sort of taxation. When you cannot impose graduated taxes, you should not stand in the way of such taxation. There must be some adjustment between an income of Rs. 2,000 and that of Rs. 50. Because I cannot touch an income of a lakh of rupees, that does not mean that I should not touch an income of Rs. 2,000. Out of 40,000 tax-payers in Bengal, 13,000 come under the category of those having an income of Rs. 2,000 and Rs. 3,000. If you exclude them, you exclude about 33 per cent. of the assessees. When you have large orders for arranging for milk and honey overnight, you must realise that you will have to pay money

to have them. My friend was talking about the poverty of persons with an income of Rs. 2,000! If those who have got Rs. 2,000 are poor, I do not know how to describe the condition of the cultivators.

Then, Sir, with regard to the amendment of Mr. Premhari Barma, I may say that if I cannot say that membership is a profession, I can certainly say that membership is a calling. But if the salary of a member be his only income, then it would certainly be exempted being below the taxable limit. So his amendment is not necessary.

Mr. SANTOSH KUMAR BASU: May I request the Hon'ble Minister to explain how the membership of the Assembly can be called a calling? Is it because we are called to attend its meetings?

The Hon'ble Mr. NALINI RANJAN SARKER: I think it is a calling, competent authorities will decide it.

So far as Mr. Nagendra Nath Sen's amendment is concerned, that is also not necessary because by rules we are providing for this marginal relief.

Then, Sir, about profession tax. I find from the report of the Income-tax Department, that only Rs. 80,000 is paid by professional men throughout the province excluding Calcutta. That means Rs. 1,000 in each subdivision or 10 or 12 persons in each subdivision. So, I think that this tax will not be a great burden on the professional men and they will be able to pay it. With these words, I oppose all the amendments.

Mr. SPEAKER: I understand that it is the intention of the opposition to call a division on Rs. 3,000. So I will put that question first.

Dr. NALINAKSHA SANYAL: Sir, you can put the motion for Rs. 5,000 first.

The motion of Mr. Surendra Nath Biswas that in clause 3(*1*), in line 2, after the figure "1922" the words "having an income of rupees five thousand or over" be inserted was then put and lost.

Mr. SPEAKER: The motion No. 9 is covered by the decision on No. 7.

Motions Nos. 6 and 10 are the same. I will put No. 10.

The motion of Mr. Dhirendra Nath Datta that in clause 3(*1*), in line 2, after the figure "1922" the words "for an income exceeding rupees three thousand" be inserted was then put and a division taken with the following result:—

AYES—76.

Abdul Jabbar Patwari, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Banerjee, Mr. Monoranjan.
Barma, Babu Promhari.
Barmen, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bell-Hart, Miss P. B.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Chippendale, Mr. J. W.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maguire, Mr. L. T.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prosad.
Mukherjee, Mr. B.
Mukherji, Dr. H. C.
Mukherji, Dr. Bharat Chandra.
Mullick, Srijut Ashutosh.
Pain, Mr. Sarada Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Dhananjoy.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Sen, Rai Bahadur Jogesh Chandra.
Shahedali, Mr.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

NOES—113.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikramperi, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Wahab, Khan, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Mir Shah.
Abdur Rauf, Khan Sahib Maulvi S.
Abdus Shahood, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, Muktagacha, Mymensingh.
Aftab Hosain Jeardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Asker Ali, Maulvi.
Barat Ali, Mr. Md.
Basu, Mr. Jatindra Nath.

Blomemstock, Mr. L. M.
Campbell, Sir George.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edgar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasina Murshed, Mrs. M. B. E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
Khaitan, Mr. Debi Prosad.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C. I. E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Soleiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nooruddin, Mr. K.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ray Choudhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Salim, Mr. S. A.
Sanaullah, Dr.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Walker, Mr. W. A. M.
Warren, Mr. P. F. S.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.

The Ayes being 76 and the Noes 113, the motion was lost.

The House was adjourned for ten minutes.

(After adjournment.)

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: Mr. Speaker, Sir, may I be allowed to bring to your notice that we got released from the lobby only at 6-25 p.m. when the time for prayer was about to be over? May I request you, Sir, to be particular in future about the adjournment for prayer?

Mr. SPEAKER: As a matter of fact, I called the Division at 6-20 p.m. and I thought that the members would immediately go.

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: But we were confined there in the lobby.

Mr. SPEAKER: I never knew that because I was not there.

The motion of the Hon'ble Mr. Nalini Ranjan Sarker that in clause 3(*1*), line 1, before the words "Every person", the words "As from the first day of April, 1939" be inserted was then put and carried.

The motion of Mr. J. W. Chippendale that in clause 3(*1*), in line 1, after the word "income-tax" the words "amounting to rupees three hundred and upwards annually" be inserted was then put and lost.

The motion of Maulvi Abu Hossain Sarkar that in clause 3(*1*), in line 1, after the word "income-tax" the words "on an income over three thousand rupees" be inserted fell through as No. 10 (an identical motion in the name of Mr. Dhirendra Nath Datta) was lost.

The motion of Mr. Dhirendra Nath Datta that in clause 3(*1*), in line 2, after the figure "1922" the words "for an income exceeding rupees five thousand" was then put and lost.

The motion of Babu Premhari Barma that in clause 3(*1*), in line 3, after the word "earnings", the words "except the salary of a member of Legislature as such" be inserted was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 3(*1*), in line 8, for the word "thirty" the word "five" be substituted was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 3(*1*), line 8, for the word "thirty" the word "ten" be substituted was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 3(*1*), line 8, for the word "thirty" the word "fifteen" be substituted was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 3(*1*), line 8, for the word "thirty" the word "twenty" be substituted was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 3(*1*), line 8, for the word "thirty" the word "twenty-five" be substituted was then put and lost.

The motion of Mr. S. A. Gomes that after clause 3(*1*), but before the explanation, the following be inserted, namely:—

> "This tax shall not be payable by those whose income or salary from the said profession, trade, calling or employment does not exceed Rs. 3,000 per year"

was then put and lost.

The motion of Khan Bahadur Mohammed Ali that after clause 3(*1*), but before the explanation, the following proviso be inserted:—

"Provided that nothing in this sub-section shall authorise the levy of more than thirty rupees as tax payable by any person for any financial year"

was then put and carried.

Babu NAGENDRA NATH SEN: Mr. Speaker, Sir, in view of the assurance given by the Hon'ble the Finance Minister, I beg leave of the House to withdraw my amendment.

The motion of Babu Nagendra Nath Sen that after clause 3(*1*), the following proviso be inserted, namely:—

"Provided that in no case shall the tax be greater than the amount of income-tax paid",

was then by leave of the House withdrawn.

The motion of Mr. P. Banerji that in clause 3(*3*), line 8, for the words "the amount of the tax shall' the words "ten per cent. of the tax may" be substituted was then by leave of the House withdrawn.

The motion of Mr. P. Banerji that in clause 3(*3*), line 8, for the words "equal to" the words "not exceeding" be substituted was then put and carried.

The motion of Babu Premhari Barma that in clause 3(*3*), line 8, for the words "equal to the amount" the words "not exceeding 10 per cent." be substituted was then put and lost.

The motion of Babu Premhari Barma that in the proviso to clause 3(*3*), lines 2, 3 and 4, the words and figure "if the tax be paid prior to the filing of a certificate under section 4 of the Bengal Public Demands Recovery Act, 1913" be deleted was then put and lost.

The question that clause 3, as amended, do stand part of the Bill was then put and carried.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and carried.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and carried.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and carried.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and carried.

Clause 8.

Babu PREMHARI BARMA: Mr. Speaker, Sir, I beg to move that in clause 8, lines 3 and 4, for the words "such officer as the Provincial Government may authorise in this behalf" the words "the District Judge" be substituted. By this amendment I want that the power to dispose of appeals should be given to the District Judge and not any officer authorised by Government. With these words, I beg to commend my motion for the acceptance of the House.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose this proposal because it is against the established principle which keeps rightly the judiciary out of the sphere of administration of taxation. The ordinary civil jurisdiction will, however, remain, but it is entirely wrong to make the judiciary part of the executive, and it is the custom, in every province that the judiciary is kept out of this taxation measure.

The motion of Babu Premhari Barma that in clause 8, lines 3 and 4, for the words "such officer as the Provincial Government may authorise in this behalf" the words "District Judge" be substituted was then put and lost.

The question that clause 8 do stand part of the Bill was then put and carried.

Clause 9.

The question that clause 9 do stand part of the Bill was then put and carried.

The question that the preamble do stand part of the Bill was put and carried.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the Bengal Finance Bill, 1939, as settled in the Assembly, be passed.

The motion was put and a Division called with the following result:—

AYES—106.

Abdel, Aziz, Maulana Md.
Abdel Bari, Maulvi.
Abdel Hafiz, Mr. Mirza.
Abdel Hafiz, Mr. Mia.
Abdel, Hakeem, Mr.
Abdel Hakim, Maulvi.
Abdel Hakim Vikrampuri, Maulvi Md.
Abdel Hamid, Mr. A. M.
Abdel Hamid Shah, Maulvi.
Abdel Karim, Mr.

Abdul Latif Biswas, Maulvi.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Hosain Jeardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Barman, Babu Upendra Nath.
Blomenstock, Mr. L. M.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edber, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasina Murshed, Mrs. M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hendry, Mr. David.
Hirtzel, Mr. M. A. F.
Idris Ahmed Ali, Maulvi.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Miller, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Sofaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Nandy, the Hon'ble Maharaja Srishchandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nooruddin, Mr. K.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ray Choudhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram
Sadaruddin Ahmed, Mr.
Salim, Mr. S. A.
Sanaullah, Dr.
Sarkar, Babu Madhusudan
Sarker, the Hon'ble Mr. Nalini Ranjan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. C.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.

NOES—69.

Abdul Jabbar Patwari, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazi, Mr Md.
Ahmed Khan, Mr. Syed.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Banerjee, Mr. Manoranjan.
Barma, Babu Pramhari.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.
Bell-Hart, Miss P. B.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Chippendale, Mr. J. W.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.

Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dutta, Mr. Narendra.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maguire, Mr. L. T.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Mukherjee, Mr. S.
Mukherji, Dr. H. C.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Pain, Mr. Baroda Prosanna.
Pramanik, Mr. Tarinicharan.
Ramiuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy Mr. Kamalkrishna.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Sinha, Srijut Maniendra Bhusan.
Sur, Mr. Narendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

The Ayes being 106 and the Noes 69, the motion was carried.

Adjournment.

The House was then adjourned till 4-45 p.m. on Friday, the 31st March, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 31st March, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 206 members.

STARRED QUESTIONS

(to which oral answers were given)

Special Debt Settlement Board of Hajiganj, Tippera.

*295. **Maulvi JONAB ALI MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) when the Special Debt Settlement Board of Hajiganj in the district of Tippera held its first sitting;

(*ii*) how many sittings of that Board were held from the formation of the Board to the 31st December, 1938;

(*iii*) how many of those sittings failed for want of quorum;

(*iv*) how many cases were filed before the Board; and

(*v*) how many of them have been disposed of?

(*b*) Is it a fact that three members out of the five constituting the Special Board are residents of different places, the distances of which are more than about ten miles from Hajiganj?

(*c*) Is it a fact—

(*i*) that Maulvi Syed Abdur Rashid Choudhury, a member of this Special Board, has not been attending the Board;

(*ii*) that names of some persons were suggested for membership of the Special Board; and

(*iii*) that the suggestion was rejected at the time of the formation of the Board?

(*d*) Are the Government considering the desirability of reconstituting the present Special Board?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) On the 5th June, 1938.

(*ii*) 19.

(*iii*) 7.

(*iv*) None: but it received 21 cases on transfer from Ordinary Debt Settlement Boards.

(*v*) 4.

(*b*) No.

(*c*) (*i*) He resigned after attending the first meeting.

(*ii*) No.

(*iii*) Does not arise.

(*d*) No: the appointment of a substitute for the member who resigned will be made shortly.

Inspection of Debt Settlement Boards by Subdivisional Officer of Chandpur, Tippera.

*296. **Maulvi JONAB ALI MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state how many Debt Settlement Boards has the present Subdivisional Officer of Chandpur (Tippera) inspected after his posting at Chandpur up to the 28th February, 1939?

(*b*) What are those Debt Settlement Boards?

(*c*) Is the Hon'ble Minister aware that the Subdivisional Officer had the records of the Kalacho Debt Settlement Board, police-station Hajiganj, brought from the Debt Settlement Board Office to Noahata for his inspection; but

(*i*) that afterwards he inspected the records at Rampur in the absence of all the members of the Debt Settlement Board;

(*ii*) that he remarked in the inspection note that the Chairman of the Board attended only 74 sittings of the Board out of 216 sittings; and

(*iii*) that a member of the Debt Settlement Board who came to that place just after the inspection challenged some remarks of the Subdivisional Officer in a written petition?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) 7.

(*b*) Faridganj, Hajiganj, Barkul, Mehar, Fatehpur, Bishnupur and Kalacho.

(*c*) (*i*) and (*iii*) No.

(*ii*) The Subdivisional Officer remarked that the Chairman attended only 74 sittings out of 211.

Deb-Barman estate of Dinajpur.

***297. Mr. NISHITHA NATH KUNDU:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware of the observations and remarks made in the audit reports of the Deb-Barman estate of Dinajpur for the years 1341-43 B.S. against the then Manager who has been transferred to the Chittagong group of Wards estates?

(*b*) If the answer to (*a*) is in the affirmative, what action, if any, has been taken against the said Manager?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) It was found on enquiry that the Manager was not seriously to blame for the irregularities. But as it appeared that he failed to reorganise the management of the Deb-Barman estate, he was transferred to Chittagong to hold a smaller and less difficult charge under the Court of Wards.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that the remarks and observations in the audit reports were to the effect that the Manager temporarily misappropriated a fairly large amount of money, and that too for more than once?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, that is so. But it is also mentioned that the Manager was a victim of a conspiracy of the underlings in the staff of the estate.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that for the temporary misappropriation the Manager was responsible? At least that was the observation made in the audit report.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not exactly a case of misappropriation, but certainly it is a case of irregularity.

Mr. NISHITHA NATH KUNDU: Does the Hon'ble Minister know that the manager allowed about 50 Tahsildars and Naibs out of 66 to work without depositing any security money, which is against the rules and against the interests of the estate?

Mr. SPEAKER: That question does not arise.

Mr. NISHITHA NATH KUNDU: I submit, Sir, that that is an irregularity.

Mr. SPEAKER: It may be so.

Mr. NISHITHA NATH KUNDU: The Hon'ble Minister has mentioned the irregularities that took place.

Mr. SPEAKER: No, he has not said that.

Mr. NISHITHA NATH KUNDU: I am asking the Hon'ble Minister for further information.

Mr. SPEAKER: You can ask him whether there was any other irregularity.

Mr. NISHITHA NATH KUNDU: All right, Sir. Will the Hon'ble Minister be pleased to state whether there was any other irregularity besides the ones that I have mentioned

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is difficult for me to reproduce the whole audit report here verbally.

Mr. NISHITHA NATH KUNDU: Does the Hon'ble Minister know that there are reports—I am putting the question now, Sir,—that out of 66 Naibs and Tahsildars about 50 were allowed to work without depositing any security, which is against the rules and against the interests of the estate?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what was the fault of the Manager for which he was to blame and was transferred?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I would draw the honourable member's attention to answer (*b*).

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that this Manager was forced to take leave twice by the Divisional Commissioner after the submission of the audit reports?

Mr. SPEAKER: That question does not arise here.

Relief to the cultivators of Tangail and Jamalpur subdivisions.

***298. Mr. AMRITA LAL MANDAL:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that the jute, *aus* and *aman* paddy in the Tangail and Jamalpur subdivisions have been damaged by the last flood; and

(*ii*) that the people are in distress?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of giving any relief in any shape to the distressed people?

(*c*) Is the Hon'ble Minister aware that the cultivators are in need of seeds? If so, what steps do the Government propose to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) *Aus* and *aman* paddy were damaged by floods in certain parts of Dewanganj, Islampur, Melandaha and Madarganj thanas of the Jamalpur subdivision and in the low-lying tracts of Tangail.

(*ii*) Yes.

(*b*) and (*c*) The cultivators who are in need of seeds are being relieved by the grant of agricultural loans. Sums of Rs. 15,000 and Rs. 10,000 have already been distributed as agricultural loans in the Jamalpur and Tangail subdivisions respectively to meet the situation. Test relief measures are also being undertaken by the District Board.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় কি দয়া কোরে বোলবেন যে, দুঃস্থ চাসীদের এবং দুঃস্থ মধ্যবিত্তদের খাদ্যাভাব হয়েছে কি না?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, there is some distress, but it is not possible for me to say whether there is actual scarcity of food. I don't think so.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় কি অনুগ্রহ কোরে বোলবেন যে, দুঃস্থ চাসী ও দুঃস্থ মধ্যবিত্তদের কি ব্যবস্থা করা হয়েছে?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Test relief work and distribution of agricultural loans.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় অনুগ্রহ কোরে বোলবেন কি দুঃস্থ মধ্যবিত্তদের test relief এর কি ব্যবস্থা করা হয়েছে?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, as regards the middle-class people, test relief work is no relief to them, but they are generally given agricultural loans.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় জানেন যে agricultural loan শুধু বীজ ক্রয় করার জন্য দেওয়া হয়, কিন্তু দুঃস্থ মধ্যবিত্তদের খাওয়ার কি ব্যবস্থা করা হয়েছে!

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government advance agricultural loans, and they certainly do not suggest what use the loanees should make of them, but, so far as I know, a portion of the money is utilized for the support of their families and a portion for agricultural purposes.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it was agreed at the conference held with the Hon'ble Minister as President, in which the local M. L. C's. and M. L. A's. were present, that Bhadralog loan money would be distributed to the poor middle-class people who were in distress, by way of relief?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Bhadralog loan money? What is that?

Mr. SURENDRA NATH BISWAS: That means that relief will be given to the distressed middle-class people by way of loans which

might be called Bhadralog loan money, i.e., making it a condition that the loan would be payable when able, and this was agreed upon at the conference held by the Hon'ble Minister as President of the Conference which was attended by the local M.L.C's. and M.L.A's.?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. I am afraid that the honourable member's memory is failing him.

Maulvi AZHAR ALI: Is the Hon'ble Minister aware that those people who have no land of their own are not getting any agricultural loans?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The honourable member must be aware that an agricultural loan is advanced mostly on joint-bonds, and this joint-bond system has been introduced to help those who have no security of their own to offer.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় অনুগ্রহ কোরে বোলবেন কি জামালপুর সবডিভিসনে ও টাঙ্গাএল মহকুমায় পৃথকভাবে কতটাকা test relief এর জন্য District Board দিয়েছেন।

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice. Sir.

Employees in the Development Circle.

***299. Mr. SYED ABDUL MAJID:** (*a*) Will the Hon'ble Minister in charge of the Irrigation Department be pleased to state—

(*i*) the total number of employees with their designations serving at present in the Development Circle, Works and Communications;

(*ii*) how many of them are Muslims and in which posts;

(*iii*) the number of appointments made there since 1st April, 1937; and

(*iv*) how many of them went to Muslims?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): A statement giving the desired information is laid on the table.

Statement referred to in the reply to starred question No. 299.

Designation.	Total number of employees serving at present (since 1st March, 1939), in the Development Circle, Communications and Works (Irrigation) Department.	Number of Muslims.	Number of appointments made in the Circle since 1st April, 1937, to February, 1939.	Number of Muslims.
Assistant Engineers ..	2	1	3	1
Overseer in charge of subdivision ..	..	..	1	..
Overseers ..	5	*..	8	3
Head Estimator ..	1	..	1	..
Estimators ..	2	1	2	1
Head Draftsman ..	1	..	1	..
Draftsmen ..	4	1	4	2
Surveyors ..	..	..	35	11
Tracers ..	4	2	5	2
Head Assistant ..	1	..	1	..
Clerks ..	5	2	7	3
Typists ..	3	2	4	..
Stenographer ..	..	..	1	..
	28	9	73	23

* Muslims were transferred to Bankura Division under South-Western Circle.

Mr. SHAH ABDUR RAUF: Will the Hon'ble Minister be pleased to state how many Muhammadans applied for the post of surveyor between 1st April, 1937, and 1st February, 1939?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I want notice, Sir.

Resuscitation of dying rivers of Mymensingh.

***300. Mr. CHARU CHANDRA ROY:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that all the rivers in the district of Mymensingh are at present in a dying condition;

(*ii*) that the localities by the sides of these rivers are suffering from various sorts of diseases, viz., malaria, typhoid, kala-azar, cholera, etc.; and

(*iii*) that big steamers could not ply in the months of December, 1938, and January, 1939, beyond the steamer station Jutrapur between Bahadurabad and Dhubri for insufficiency of water in the river Jumuna?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason which has contributed to the present condition to river Jumuna?

(*c*) Has the attention of the Hon'ble Minister been drawn to the condition of the river Brahmaputra which used to flow by the Mymensingh town?

(*d*) Is it a fact—

(*i*) that the source has already dried up and no current can pass through except in rains; and

(*ii*) that the river Brahmaputra is now a stagnant pool of water dangerous to the health of the people residing on its bank?

(*e*) If so, will the Government be pleased to state what action, if any, do the Government propose to take in the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) and (*ii*) I do not think that it can be said that all the rivers of the districts are in a dying condition, but the principal river, the Brahmaputra, has certainly deteriorated as a result of the diversion, from natural causes, of the main volume of its water through the Jamuna. It is generally believed that public health in the area near the old Brahmaputra has deteriorated but I have not had this confirmed by a scientific examination of available statistics.

(*iii*) and (*b*) Shoal trouble is a usual feature of navigation when river levels are falling and channels, owing to the heavy deposit of silt, are constantly changing. I am informed that the trouble at Jatrapur this year was more acute than usual and there was delay to deeper drafted vessels necessitating transhipment of cargo. Conditions at the spot and on the upper reaches of the Brahmaputra do not bear out the suggestion that the trouble this year was due to insufficiency of water. The trouble was in fact due to heavy silt deposit originating from a heavily cutting bank immediately above a shoal. Channels were stabilised early in January, and the situation is now quite normal.

(*c*) Yes.

(*d*) (*i*) Yes.

(*ii*) In the dry season the water stagnates in local deep pools which are likely to be injurious to public health.

(*e*) The Budget for 1939-40 provides for the formation of a temporary Division at Mymensingh one of the main functions of which will be to make the necessary investigations to enable Government to determine whether the resuscitation of the river is possible at a reasonable cost.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় অবগত আছেন কি যে, ১৯৩৭-৩৮ সালে এক ময়মনসিংহ জেলাতেই ৪০ হাজারের বেশী লোক কেবল ম্যালেরিয়াতেই মারা গিয়াছে?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid, it is not possible for me either to deny or to accept the statement.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় প্রশ্নের উত্তরে বোলেছেন যে, ময়মনসিংহ জেলার সবগুলি নদীই যে মোরে আসছে তা নয়, তবে principal river ব্রহ্মপুত্র deteriorate কোরেছে, কিন্তু তিনি কি অবগত আছেন যে, এই জেলার লোহজং, ঝিনাই, সুতিয়া, নলসোঁদা, বংসাই, করস, নাংলাই, সোমেশ্বরী, কাচা মাটিয়া, সুতিয়া, বালুয়া, ধলেশ্বরী প্রভৃতি নদী যারা নাকি ময়মনসিংহ জেলার ভিতর প্রচুর জল দিয়ে জেলাটিকে শস্যশালী কোরতো, সেই সমস্ত নদী মোরতে বোসেছে এবং কতকগুলি মোরেও গেছে?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I believe it is admitted that the conditions of those rivers referred to by the honourable member are getting worse.

Maulvi ABDUL HAKIM: মাননীয় মন্ত্রীমহাশয় কি জানেন যে, কয় বৎসর আগে থেকে ব্রহ্মপুত্র নদের water level survey করা হয়েছে?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir, there is no arrangement for regular gauze-reading in Brahmaputra.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় কি অনুগ্রহ কোরে বোলবেন এই যে temporary division খোলা হয়েছে একটা কি permanent division খোলবার জন্য গভর্ণমেণ্টের কোন ইচ্ছা আছে?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The extension scheme will have no meaning if it is not ultimately made permanent.

Mr. CHARU CHANDRA ROY: এই যে, একজন Part-time expert Engineer রাখা হয়েছে—মাননীয় মন্ত্রীমহাশয় কি মনে করেন যে, এই পার্ট-টাইম ইঞ্জিনিয়ার দিয়ে ময়মনসিংহ জেলার সেচ বিভাগের পরিকল্পনা চোলতে পারে?

Mr. SPEAKER: That is a matter of opinion.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to statte whether Government have prepared any scheme for resuscitating the dying rivers of the district.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I do not think that is possible before the contour survey is completed and the staff is appointed.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether they have enquired as to which navigable channels in the district of Mymensingh have been affected with shoals being formed therein and what steps Government have taken to dress those shoals?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I may remind the honourable member that owing to the paucity of staff the knowledge of the department about the irrigation needs in the Eastern Bengal districts was extremely meagre and no inquiry possible and it is with a view to remove that difficulty that we are shortly going to open a new division.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় কি অনুগ্রহ কোরে একবার ময়মনসিংহ জেলার নদীগুলির অবস্থা নিজে দেখে আসবেন?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am proposing to visit Mymensingh shortly.

Deterioration of the Bidyadhari, Peali and Adiganga, 24-Parganas.

*301. **Mr. ANUKUL CHANDRA DAS:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that there is rapid deterioration of the Bidyadhari, Peali and Adiganga in the 24-Parganas district; and

(*ii*) that a tract of land surrounded by the said rivers is inundated with salt water every year making the land unfit for cultivation and dwelling?

(*b*) Are the Government taking any steps for the resuscitation of the said rivers?

(*c*) Have the Government any scheme for the drainage of this tract made insanitary owing to water-logging?

(*d*) If so, when will the Government take action on the same?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) Yes.

(*ii*) This area gets flooded in years of untimely and heavy rainfall.

(*b*) Experts are of opinion after careful investigation that the Bidyadhari and the Adiganga cannot be permanently revived. The question of improving the Peali is receiving my attention.

(*c*) Two schemes are at present under consideration.

(*d*) An estimate of the cost of the first scheme is under examination. As regards the second, the necessary survey has been taken up and is likely to be completed in June next.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if he is aware of a scheme made by Mr. Griffin, Chief Engineer, Public Health Department, for the resuscitation of the Bidyadhari?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, Sir, that scheme was turned down by the Irrigation Department as being unworkable and very costly.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state who are those experts who are of opinion after careful investigation that Bidyadhari and Adiganga cannot be permanently revived?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Experts of Government.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if it is a fact that Mr. Griffin up to the last day of his retirement in last December was of opinion that Bidyadhari can be resuscitated?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Nobody will say that it is impossible; but it is certainly not practicable and the cost will not be commensurate with the benefit to be derived.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if it is a fact that Mr. Griffin had got a scheme for the resuscitation of the river Bidyadhari and it is still with Government?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The proposed scheme was estimated to cost nearly three crores.

Dr. NALINAKSHA SANYAL: In view of the opinion expressed by Government experts, will the Hon'ble Minister be pleased to consider the desirability of examining other experts who may have proposals that may be helpful in this connection?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: May I know what experts the honourable member is referring to.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in Italy similarly situated rivers have been resuscitated by the local experts there and if he would consider the desirability of consulting such experts?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I may state that problems in Italy are quite different from the problems of Bidyadhari.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if he is aware that *char* lands and spill areas are being leased out by Government and bunds are being constructed on the river so that the whole river course is being obstructed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am not aware as to which of the spill areas are being leased out but I may state that it is the putting up of the marginal embankments which are responsible for killing these rivers.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if he is aware that the Irrigation Department are leasing out *char* lands and spill areas?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am not quite sure if it is this department or the Revenue Department who leases out the *char* lands.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what action has been taken on the scheme prepared last year and approved by the Government regarding the water-logged areas towards the east of Calcutta including Kasba and Ballygunge?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have stated in my reply, two schemes are under consideration. One is for the drainage of Panchannagram areas with some portion of the salt lake by the Tolly's Nullah and the other scheme is for the drainage of the areas south of Tolly's Nullah by the Peali river by an open cut or in the alternative by the existing Peali-Bidyadhari river after it has been improved.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if he is aware that about two miles of the river Peali have been silted up during the time that Government have taken for preparing the scheme for resuscitating the river Peali?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I cannot give the exact length, but the portion referred to by the honourable member is the meeting place of two tides and it is only natural that more silt will be deposited if there is delay in taking up the scheme.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if one of the schemes for relieving these areas include the relieving of those areas which are affected on account of the silting up of the new Krishtopur canal?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: With regard to relieving the water-logging of that area, I may say that we are taking up the question with the Calcutta Corporation and if it matures and water is allowed to pass by the new Kulti flushing channel, the difficulty will be partly solved.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state the condition of some areas east of Calcutta under the Tollygunge Municipality within the last two years owing to the silting up of this river?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think there is a different scheme for protecting the Tollygunge Municipal areas by an embankment.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state how long will the Government take to complete this?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That is a matter for the Tollygunge Municipality to take up.

Competition on Taki Road between omnibus and railway service.

***302. Mr. JASIMUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is the declared policy of Government not to have any motor competition on any road running parallel to a railway line?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether instructions have been issued to the District Officers to observe these statutory rules strictly?

(*c*) Is the Hon'ble Minister aware—

(*i*) that the Barasat-Basirhat Light Railway runs parallel to the Taki Road, on one side of the road;

(*ii*) that the District Board, 24-Parganas, had to guarantee the Managing Agents a minimum profit on the outlay, with the sanction of the Local Government;

(*iii*) that a number of bus licences have been issued over Shambazar-Itindaghat route without the District Board being consulted and in spite of their protests; and

(*iv*) that the buses run parallel to the railway over the Taki Road?

(*d*) Is the Hon'ble Minister aware—

(*i*) that before such competition the Railway used to pay over Rs. 50,000 annually to the District Board towards the moiety of the profit; but

(*ii*) that at present the District Board has to meet about Rs. 38,000 annually towards the guaranteed profit?

(*e*) Is the Hon'ble Minister also aware—

(*i*) that there is another route *via* Gourbanga Road to reach the same destination, viz., Itindaghat; and

(*ii*) that this route is not parallel to any railway except for a very short distance on the Eastern Bengal Railway?

(*f*) Are the Government considering the desirability—

(*i*) of stopping the motor competition on the Taki Road, or

(*ii*) of diverting the same through the Gourbanga Road?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin: (*a*) No. The policy of Government is to avoid uneconomic competition.

(*b*) Does not arise.

(*c*) (*i*) It is approximately parallel from Baraset to Itinda.

(*ii*) and (*iv*) Yes.

(*iii*) This route was opened to meet public demand and 50 licences were issued to ply buses on it but in order to avoid uneconomic competition with the Railway, Government have issued orders to reduce the number to 45. It is not however possible to say now if the licences were issued without consulting the District Board as the buses have been plying for nearly 11 years.

(*d*) Yes.

(*e*) (*i*) Yes.

(*ii*) It is approximately parallel to the Eastern Bengal Railway.

(*f*) (*i*) No. To avoid uneconomic competition Government have issued orders to reduce the number of buses on the Taki Road to 45.

(*ii*) No. A proposal was made by the District Board to divert Route 11A *via* Gourbanga Road to Itindaghat, but it was not approved.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that as a result of the restriction on the number of buses plying on that area, each bus carries a tremendous amount of traffic and about 20 to 30 passengers seated on their articles on the top of the bus, leading to a very dangerous condition of conveyance?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware of the fact that the travelling public want to travel more by bus than by the light railway?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that either.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state who disapproved the route via the Gourbanga Road?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think the District Magistrate.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if it is a fact that the District Board was not consulted when the buses began to run from Shambazar to Itindaghat?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already said that it is very difficult to state now what happened 11 years ago.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to instruct the District Magistrate to consult the District Board before the buses are granted licence?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly, that will be the instructions.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether it is a fact that the Taki road is the only direct connection between Barasat and Basirhat, the two subdivisional headquarters?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe so.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble the Home Minister aware of the fact that this light railway has become nowadays a public nuisance?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that a very large amount of traffic has got to be conveyed by that route where buses are the only convenient means of communication?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know which route the honourable member is referring to.

Dr. NALINAKSHA SANYAL: From Itindaghat to Taki.

Mr. SPEAKER: From Itindaghat I think there is a railway also?

Dr. NALINAKSHA SANYAL: It is about two miles distant from Itindaghat. No railway runs to Itindaghat.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of this.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*c*)——

Mr. SPEAKER: I hope it will not be another public nuisance. (Laughter.)

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*c*), will the Hon'ble Minister be pleased to state if the Government is considering the desirability of withdrawing the sanction of minimum guarantee of that railway which is absolutely unnecessary now?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid it cannot be done. It is a commitment of the District Board, and Government cannot withdraw it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that for a number of months the District Board kept a large portion of the road blocked to traffic on the plea that repairs were to be done, although no repairs were done just to help the railway?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of this.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if a portion of the road was so bad——

Mr. SPEAKER: Order, please. I could not catch Dr. Sanyal's question.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that a large portion of the road where buses ply from Shambazar to Itindaghat was kept closed to bus traffic by the District Board on the plea that they would have repairs done?

Mr. SPEAKER: How could buses go there?

Dr. NALINAKSHA SANYAL: During some months there is a collusive arrangement between the District Board and the railway and the road is kept closed.

Mr. SPEAKER: It is not a matter for the Hon'ble the Home Minister.

Mr. ANUKUL CHANDRA DAS: Is the Hon'ble Minister aware that there was no way to give diversion when the portion of the Taki Road was under repair by the District Board?

Mr. SPEAKER: Is it not the responsibility of the District Board of which you are the Vice-Chairman?

Mr. ANUKUL CHANDRA DAS: There is no other way of giving diversion to all the buses during repairs. There is only one way.

The Hon'ble Khwaja Sir NAZIMUDDIN: From my experience of the Taki road, I believe the honourable member is correct.

Mr. ABDUL KARIM: Will the Hon'ble Minister be pleased to state if the refusal of five licenses out of 50 has avoided uneconomic competition?

The Hon'ble Khwaja Sir NAZIMUDDIN: It was hoped that it would, but I do not know how far it has done.

Mr. ATUL KRISHNA GHOSE: Does the Hon'ble Minister want to apply the remedy for avoiding uneconomic competition overriding the principle of free trade in this province?

Mr. SPEAKER: That question does not arise.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if the number of buses would be further reduced?

Mr. SYED JALALUDDIN HASHEMY: The number should be increased.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, that cannot be.

Mr. ATUL KRISHNA GHOSE: I would like to draw the attention of the Speaker to the Hon'ble Minister's reply (*f*) where he says "to avoid uneconomic competition Government have issued orders to reduce the number of buses on the Taki Road to 45". It was originally 50. It is manifest that for the facilities of the railway company Government have deliberately reduced the number of buses from 50 to 45 and

now I would like the Hon'ble Minister to explain if it is not some sort of protection that the Government are going to give to the railway company in preference to the bus drivers. Under the circumstances, I may very well point out that by this action of theirs the Government are overriding the principle of free trade within the province?

Mr. SPEAKER: It is a matter of opinion.

Admission into the Belgachia Veterinary College.

*303. **Maulvi JONAB ALI MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Veterinary Department be pleased to state—

(*i*) how many students have been admitted into the Belgachia Veterinary College in 1938; and

(*ii*) how many of them are—

(1) Hindus,

(2) Muhammadans, and

(3) Scheduled Castes?

(*b*) Were there occasions in 1938 when candidates finally selected for admission were subsequently refused admission?

(*c*) If the answer to (*b*) is in the affirmative, would the Hon'ble Minister kindly state the reasons thereof?

MINISTER in charge of the ACRICULTURE and VETERINARY DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) A statement is laid on the table.

(*b*) No.

(*c*) Does not arise.

Statement referred to in the reply to clause (a) of starred question No. 303, showing the number of students admitted into the Bengal Veterinary College during 1938.

Total	...	73
Hindus	..	51
Muslims	...	21
Scheduled Castes	...	1

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if some Muhammadan students were refused admission in the year 1938?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know; it may be so.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state how many Muhammadan candidates applied for admission?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Babu PREMHARI BARMA: Will the Hon'ble Minister be pleased to state the reason why only one Scheduled Castes candidate was taken?

The Hon'ble Mr. TAMIZUDDIN KHAN: There was only one candidate from the Scheduled Castes.

Babu PREMHARI BARMA: Why was only one candidate taken?

The Hon'ble Mr. TAMIZUDDIN KHAN: Probably no others came forward.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Construction of school buildings in Tippera.

113. Mr. JAGAT CHANDRA MANDAL: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that in many places where Scheduled Castes people and Muhammadans predominate, school buildings have not been erected with corrugated iron according to the Government plan?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of—

(*i*) bearing the cost of erecting such school buildings on behalf of the people; or

(*ii*) allowing them to start schools as enlisted in *kacha ghars* (straw built) measuring the same length and breadth as planned by the Government?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin for the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Government have no definite rules about provision of corrugated iron roofs for school buildings.

(*b*) Does not arise.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that in places selected for the primary schools, the School Board requires the people of the locality to construct an iron hut according to a fixed size?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, a specific size.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that on account of that the education of the people of the locality which is inhabited by poor people is likely to suffer as they cannot construct a hut?

The Hon'ble Khwaja Sir NAZIMUDDIN: I don't think so. So far, our experience has been that there are always people found in the villages ready to come forward with land and to bear the cost of construction of the school buildings.

Srinath Press, Dacca.

114. Mr. RAZAUR RAHMAN KHAN: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the Srinath Press, Dacca, is a property of the Principal, Jagannath Intermediate College?

(*b*) Who is the registered proprietor of the said press?

(*c*) What is his relation to the Principal?

(*d*) What is the total amount of money which has been paid to the said press from the 1st of July, 1921, to the 31st of March, 1938, out of the funds of the Jagannath Intermediate College?

(*e*) What is the total amount which has been budgeted under the head "Printing" in the budget for the current financial year?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) to (*c*) The press is the property of the Principal and his brother.

(*d*) Figures readily available for the last eight years are given below year by year—

	Rs.	a.	p.
1929-30 ...	536	0	6
1930-31 ...	317	13	3
1931-32 ...	283	1	9
1932-33 ...	468	14	6
1933-34 ...	493	12	0
1934-35 ...	475	4	9
1935-36 ...	426	7	3
1936-37 ...	475	2	6

(*e*) A sum of Rs. 450 has been included under the head "Printing and Examination charges" for the current year.

Number of Scheduled Castes employees in the Court of Wards estates under the Dacca Collectorate.

115. Mr. DHANANJOY ROY: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement for each of the different Courts of Wards estates under the Dacca Collectorate showing how many Scheduled Castes employees have been serving at present—

(*i*) in the superior establishment; and

(*ii*) in the inferior establishment?

(*b*) If the answer to (*a*) (*ii*) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

(*c*) Are the Government considering the desirability of recruiting Scheduled Castes candidates in all Courts of Wards estates at the time of future appointments?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) 5.

(*ii*) 57.

(*b*) Does not arise.

(*c*) The estates under the Court of Wards being private and not State properties the interests of the estates rather than political considerations are the principal criterion for selecting Court of Wards officers. But Government do always consider the claims of suitable Scheduled Castes candidates in making such appointments and will continue to do so in future.

Supplementary Schedule of Authorised Expenditure.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, in pursuance of section 81 read with sub-section (*2*) of section 80 of the Government of India Act, I beg to lay before the Assembly a supplementary schedule of authorised expenditure for 1938-39 authenticated by the signature of the Governor under sub-section (*1*) of section 80 read with section 81.

Sir, in pursuance of sub-section (*2*) of section 80 of the Government of India Act, I beg also to lay before the Assembly a schedule of authorised expenditure for 1939-40 authenticated by the signature of the Governor under sub-section (*1*) of section 80 read with section 81.

GOVERNMENT BILLS.

Calcutta Municipal (Amendment and Validation) Bill.

The Hon'ble Mr. H. S. SUHRAWARDY (for the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): Sir, I beg to introduce the Calcutta Municipal (Amendment and Validation) Bill, 1939.

The Secretary then read the short title of Bill, viz., a Bill further to amend the Calcutta Municipal Act, 1923, for removal of certain doubts about the extension of term of office of the Councillors and Aldermen of the Corporation of Calcutta.

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move that the said Bill be taken into consideration.

Hon'ble members are aware that we have had to extend the life of the Corporation for one year in order to enable the next election to be held under the new Amendment Act which at present is being considered by the Legislature. While considering this matter, it appeared to us that some very subtle legal brain may find flaws in the wording of section 29 and in order to remove any misapprehension or misconception that may arise regarding the validity of such extension this Bill has been introduced. It is a formal Bill to render valid an Act which has already been completed, and which in fact is really valid and I trust that the Legislature will see no difficulty in accepting the Bill without much discussion.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th September, 1939.

Mr. Speaker, Sir, I would like to say a few words regarding my motion. In view of the importance of this Bill, it is appropriate that the Bill should be circulated and the opinion of the people should be assessed before we take up such a drastic measure. With these words I commend my motion for the acceptance of the House.

Mr. SANTOSH KUMAR BASU: Sir, I understand the Hon'ble Minister has moved for the consideration of this Bill. I find, Sir, that in his Validation Bill the reasons which have been given in support of the introduction of this Bill in this House are contained in the Statement of Objects and Reasons as follows:—

> "It is proposed to undertake legislation to amend the Calcutta Municipal Act, 1923 (Bengal Act III of 1923), and to hold under the Act as amended the next general election of Councillors of the Calcutta Corporation.
>
> * * * * * * *
>
> By notification No. 3114M., dated the 20th September, 1938, and issued under the proviso to section 39 of the Calcutta Municipal Act, 1923, Government have extended for a period of one year from the 31st March, 1939, the term of office of certain existing Councillors and Aldermen. Government are now advised that as the proviso to section 39 stands at present, the validity of the extension granted is questionable. The present Bill is accordingly intended to validate that extension by amending section 39 with retrospective effect and by making the necessary consequential amendments in sections 25 and 45."

Now if we make a reference to section 39 of the Calcutta Municipal Act, we find that the proviso runs thus:—

> Provided that the said period of three years may be extended by the Local Government for a period not exceeding one year by notification in the *Calcutta Gazette* if in special circumstances to be specified in the notification, they so think fit.

Therefore, Sir, the section enjoins upon the Government to make out a case on the footing of special circumstances having arisen for the extension of the life of the Corporation. Now, in the notification which this Bill seeks to validate, it is stated, "Whereas it is proposed to undertake legislation for amending the Calcutta Municipal Act, 1923, whereas it is intended to hold the next general election of Councillors to the Corporation of Calcutta under the said Act after such amendment, now in exercise of the power.....Government are extending the life".

Now in this notification which is the basis of this proposed Bill there is absolutely nothing to show that any special circumstances have arisen which would justify the Government in extending the life of the Corporation. All that is said is this: "Whereas it is proposed to undertake legislation for amending the Calcutta Municipal Act of 1923". Now it is quite possible to amend the Calcutta Municipal Act without extending the life of the Corporation for one single day. No special reasons whatsoever have been put forward in this notification to justify the Government in extending the life of the Corporation. What special circumstances have arisen? Now, Sir, I might recall in this connection that when in 1921 the Calcutta Municipal Bill was introduced in the then Council, it took its own normal course. It was at the end of a period of three years, which coincided with the termination of the normal term of the Corporation, the Bill was passed into an Act under which fresh elections were held and the new Corporation began to function.

That Municipal Bill of 1921 was so far-reaching in its effect and so fundamental in character, it was so comprehensive in its scope, that it not only altered the constitution of the Corporation right from its very foundation up to its apex, not only did it constitute the Corporation the sole repository and fountain head of all power in every department of its activity, but it also went further in introducing new constituencies, in creating new powers and new responsibilities from various points of view. In spite of that it was not considered necessary to extend the life of the Corporation by one single day. Now I might also recall, Sir, that in the present Government of India Act the power to extend the life of the Assembly which existed under the old Government of India Act has been taken away. And the relevant section of the Government of India Act lays down that for five years and not for one single day more can the Assembly function without a dissolution. Now, that is the spirit of the new Government of India Act, not only the spirit but also the letter of the new Government of India Act. So far as the proposed Calcutta Municipal Amendment Bill is concerned, which has just emerged from the Select Committee, Government have relied upon the provisions of the Government of India Act for the purpose of effecting changes in the constitution of the Corporation. But where is the reliance upon the Government of India Act in extending the life of the Corporation which the Government of India Act does not propose to do with regard to the different bodies created under it? I claim that it is a very serious matter for the Government to take away the right of the electorates to choose a new set of representatives at the end of three years. That power is rarely to be exercised and under special circumstances under section 39 of the Calcutta Municipal Act, to be specified in a notification, and then and then alone, Government

can extend the life of the Corporation. I am again drawing your attention and the attention of the House to the so-called special circumstances for which it is proposed to extend the life of the Corporation. If Government had introduced legislation to amend the Calcutta Municipal Act in all its different branches and chapters so as to affect the constitution—not only the constitution but also in the powers, duties and responsibilities of the Corporation,—introduced big changes in the present sections of the Act for the purpose of effecting an all-round improvement in the affairs of the city, one could have understood the desire of the Government to extend the life of the Corporation in order to be able to enact and give effect to legislation of that character. But what is being proposed now? It is proposed to introduce separate electorates only for a section of the community in Calcutta or to introduce reservation of seats for another sub-section of the community. Is that reason enough—I ask in all seriousness—to induce Government to rob the electorates of Calcutta of their valued right to elect their own representatives—a new set of representatives—at the end of three years? I say, Sir, if Government had difficulty in setting their own house in order and in persuading the then Minister in charge of Local Self-Government to introduce separate electorates for Mahomedans, they have to thank themselves for that. If they had to take time and to bide their opportunity, certainly that is no reason why they should take away the right of the electorates to choose their own representatives at the end of three years. I submit, Sir, Government had ample time to introduce necessary legislation in time so as to allow the normal course of events to take place in Calcutta and the general election to take place at the beginning of the year 1939. That they have not done. The question is whether this House should not record its emphatic protest against the light-hearted manner in which Government have chosen to go about its business. This is simply trifling with the rights of the electorates, mere playing with a serious matter. Because some prominent members or some insistent members of their party require a certain sort of electorate to be introduced for a certain community, that is no reason why you should deprive the general body of electors of their valuable right. That is exactly what is sought to be done in this case. We, as representatives of the people, will fail in our duty if we do not record our unequivocal protest against the manner in which this matter has been brought before this House.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the arguments of my honourable friend Mr. Santosh Kumar Basu are hardly worth considering, because the Bill itself is a mere drafting change. It merely redrafts section 39 so as to express the purposes of the original legislation; and there is no drastic change in the Bill at all. The arguments of Mr. Santosh Kumar Basu might have been expressed in

relation to another Bill which has been introduced, and that has nothing whatsoever to do with the merits of the present Bill. Mr. Santosh Kumar Basu wishes to raise on this Bill the question as to whether Government was or was not right in extending the life of the Corporation and in exercising its rights under section 39. If Mr. Santosh Kumar Basu objects to the Government having exercised its powers under section 39, the proper method is either by way of a cut motion during the budget discussion, or by a special resolution regarding the executive action of the Ministry—(Mr. SANTOSH KUMAR BASU: You present the House with a *fait accompli*)—But hardly on this occasion, because, as I have said already, the Bill merely makes a drafting change in the Calcutta Municipal Act. In view of the fact that Mr. Santosh Kumar Basu is a good lawyer I am sure he would like to see good law enacted in this Legislature and would accept this amendment in good grace.

The motion of Mr. Atul Krishna Ghose that by way of amendment the Bill be circulated for the purpose of eliciting opinion thereon by the 30th September, 1939, was then put and lost.

The question that the Bill be taken into consideration, moved by the Hon'ble Mr. H. S. Suhrawardy, was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

Maulvi ABDUL BARI: Sir, I beg to move that in clause 3 after the existing proviso, the following additional proviso be added, namely:—

"Provided further that on no account should more than one extension be granted."

Sir, my object in moving this amendment is just to protect the rights and privileges of the rate-payers and the electorates residing within the municipal area of Calcutta. It is also directed to maintain the purity and the serenity of the administration of the Calcutta Corporation. Sir, in these days every country is moving towards the

formation of a constituent assembly, by whatever name it may be called in their own land. That gives the people the right to choose their own representatives—representatives in whom they have got their full confidence. Now, Sir, every constitution gives the people a time-limit for which——

Mr. SPEAKER: Is it your case that the local Government have the power not only to give an extension of one year, but they have got the power to extend the term not once but twice?

Maulvi ABDUL BARI: They have got the power to extend it by terms, say for example——

Mr. SPEAKER: Please don't forget that the original term is for three years, and that term is being sought to be extended by one year.

Maulvi ABDUL BARI: As I read the section, Sir, I do not wish to extend the term by more than one extension under any circumstances.

The Hon'ble H. S. SUHRAWARDY: I don't think so, Sir, because the section says "for a period not exceeding one year," and it may be interpreted in this way that Government may be able to extend from time to time but that the aggregate shall not be more than one year, and therefore if I may interpret——

Mr. SPEAKER: That is one thing, but the drafting here is quite different.

The Hon'ble Mr. H. S. SUHRAWARDY: I would suggest, Sir, if it would suit——

Mr. SPEAKER: But Mr. Bari wants that not more than one extension should be allowed.

Maulvi ABDUL BARI: That is my intention, Sir.

The Hon'ble Mr. H. S. SUHRAWARDY: May I, Sir, with your leave and the leave of the House, move a short-notice amendment which will express the view much better?

Mr. SPEAKER: The drafting seems not to be satisfactory.

The Hon'ble Mr. H. S. SUHRAWARDY: Instead of saying "for a period not exceeding one year" we may say "for a term or terms not exceeding one year in the aggregate." I would like to move a short-notice amendment on these lines.

Maulvi ABDUL BARI: In that case, Sir, it will not be necessary for me to move my amendment. I am prepared to accept the short-notice amendment of the Hon'ble Mr. Suhrawardy.

Rai HARENDRA NATH CHAUDHURI: No question of accepting by you arises. Who are you to accept it?

Mr. SANTOSH KUMAR BASU: Sir, there is one point to which I should like to draw your attention, and it is this: probably the new amendment of which the Hon'ble Mr. Suhrawardy wants to give notice is to this effect that in the aggregate a period of three years can be extended by one year, but it can consist of smaller terms of two months, or three months, or four months. I would ask the Hon'ble Minister to consider whether it would be advisable to introduce that element of uncertainty in the municipal administration of Calcutta and whether within one year they can go on extending the life of the Corporation by shorter periods of two, three, or five months.

Mr. SPEAKER: In any case, so far as the present Act is concerned, you are merely changing it for a future occasion.

The Hon'ble Mr. H. S. SUHRAWARDY: I realise, Sir, that there is a certain amount of danger if Government becomes capricious, but I don't think that the House will object to putting it in a proper order, because, after all, I do not expect that any Government would try and extend the life of the Corporation merely to harass it (Mr. SURENDRA NATH BISWAS: Everything is possible for you) for nothing, unless Government find a specific reason to extend the period by one year or——

Mr. SANTOSH KUMAR BASU: If you do not see any necessity, then why do you provide for it? Do you expect any short-term extension?

Maulvi ABDUL BARI: There may be emergent circumstances.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do hope that we will not have occasion to exercise this power on any future occasion.

Mr. SANTOSH KUMAR BASU: It has never been done before.

The Hon'ble Mr. H. S. SUHRAWARDY: Still circumstances may change and emergencies may arise which will make it impossible to hold an election at the scheduled time one never knows and it may be advisable to keep this power in the hands of the Government of the day—which may be any Government.

Mr. SANTOSH KUMAR BASU: I would again appeal to the Hon'ble Minister that if Government really wants to change the period, then let it be for one year. People will then know definitely where they stand. That would be much better than leaving it in the hands of the provincial Government and extending it for shorter periods.

Maulvi ABDUL BARI: It is for one year now, but it can be extended from term to term. I think my friend Mr. Santosh Kumar Basu will remember that the life of the last Council was extended by four years. Therefore, Sir, in order to provide for future contingencies, I think it is necessary to have a provision like this.

Mr. SANTOSH KUMAR BASU: For shorter terms like two or three months?

Maulvi ABDUL BARI: The term may be for six months or one year, or any term. I would appeal to him to consider this aspect of the matter.

Mr. SURENDRA NATH BISWAS: Are you speaking in favour of your own motion or against it?

Mr. SPEAKER. I think, Mr. Bari, you are mistaken. Mr. Basu's argument is that, so far as the totality of the extension is concerned, it should not be more than one year. His point is fundamentally different from yours.

The Hon'ble Mr. H. S. SUHRAWARDY: Surely, Sir, that question cannot arise unless extensions of terms are contemplated for more than one year. If Mr. Basu speaks of totality then the logical conclusion is that he contemplates petty extension provided that the total period is for not more than one year. As it reads here, Sir, there may be extensions by the Local Government for a period or term not exceeding one year. It may be argued that the Local Government has the power to extend the life of the Corporation on several occasions, but the term of the extension should not exceed one year at a time. As soon as you begin to talk of totality or aggregate, you have also got to take into consideration this fact and to agree to the position that you may have to extend for more than one term. So that "one year" may be composed of more than one term, say of two months, three months and so on. Therefore, Sir, I submit that the motion is in order.

Mr. SANTOSH KUMAR BASU: Sir, if I have understood the Hon'ble Minister aright——

Mr. SPEAKER: Order, order. Let me first cross-examine the Hon'ble Minister. (Laughter.)

Mr. Suhrawardy, your amendment is that in the proviso to section 39 of the said Act you want to change the words "the said period" and say "the said term of three years".

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir.

Mr. SPEAKER: Then you want to change the words "for a period" and say "for a term". Therefore, your original substantive Bill, if passed, will mean this:—

"Provided that the said term of three years may be extended by the Local Government for a term not exceeding one year."

Now, Mr. Bari wants to add a further proviso, viz.—

"Provided further that on no account should more than one extension be granted."

Now, what is your suggestion to that?

The Hon'ble Mr. H. S. SUHRAWARDY: My suggestion is: where we have got the words "for a period not extending one year" in the second and third lines of the proviso, I want to substitute it to "for a term or terms not exceeding one year in the aggregate".

Rai HARENDRA NATH CHAUDHURI: That is a plurality of extensions!

Mr. SANTOSH KUMAR BASU: If I may again appeal to the Hon'ble Minister, I would say that you are introducing with eyes open an amount of uncertainty on the off-chance of the provincial Government not being capricious. You are arming the provincial Government with power to be capricious and then relying on its good sense not to be capricious. Now, when we are making legislation here, we want to eliminate the possibility of caprice being introduced in the affairs of the city by fixing in the Act itself that extension for shorter periods should not be allowed. If the Hon'ble Minister had sought to provide that there would not be any extension for more than one term, and that term might be for less than one year, I could have understood it. If they think extension for one year is necessary, let them give one year and stop there but let them not go on giving extension after extension and term after term.

Mr. SURENDRA NATH BISWAS: On a point of order, Sir. I do not know whether the Hon'ble Mr. Suhrawardy has put up his amendment before you but he is speaking about some amendment to amend clause 3. My submission is that his proposed amendment is not in order. This Bill is for validating the extension granted by notification No. so-and-so, for one year. The extension has already been made by a notification.

Mr. SPEAKER: Mr. Biswas, do you see that it is not merely validation but also amendment?

Mr. SURENDRA NATH BISWAS: The Statement of Objects and Reasons says in order to validate the notification, some necessary consequential amendments are necessary in sections 25 and 45 and no further. The statement is very clear on this point.

Mr. SPEAKER: For the purpose of validation, section 39 comes in.

Mr. SURENDRA NATH BISWAS: The notification has already extended the life of the Corporation for one year and the Bill is also for some consequential amendments, but his amendment is now a new thing. It goes beyond the scope of the Bill.

Mr. SPEAKER: I think, I would have agreed with Mr. Biswas if there had been no clause 3 in the Bill itself, and you may remember that throughout my ruling, it is not merely the Objects and Reasons but the Bill itself that has also been taken into consideration. It is quite true that the interpretation which you have suggested may be possible if only the Statement of Objects and Reasons is taken into account, but the Statement of Objects and Reasons, along with the Bill where they propose to amend section 39, has, to be taken into consideration. Once they propose to amend section 39, it is in order.

Mr. JOGESH CHANDRA GUPTA: The proposal for amendment has only arisen on account of the notification which has already been issued by the Government extending the term of the present Corporation by one year. Therefore, we are concerned here either to validate that notification or not to accept it. So, I say this amendment about two shorter terms does not arise here. Certainly if an amendment of the Calcutta Municipal Act is sought and this section 39 is brought in, members are quite free to suggest amendments that may arise, but having come only for the purpose of validation of a notification, I ask you, Sir, to consider whether we ought to waste our time in considering such amendments as two months, three months, four months, etc. Such amendments may be considered when they bring in a comprehensive amending Bill.

Maulvi ABDUL BARI: Sir, looking with a blurred vision, they have lost sight of——

Mr. SPEAKER: It is no use complicating matters.

Maulvi ABDUL BARI: Mr. Biswas has said that this Bill has been brought in only for the purpose of validation of the notification that has been issued, and not for anything else. But that is not so. It is meant also for the future, that the sections have got to be amended. So far as the observation of my friend, Mr. Santosh Kumar Basu, that it is the caprice of the Government, is concerned, I may say that Government caprice will be given a due play if you do not amend it in the manner suggested by the Hon'ble Mr. Suhrawardy because if the provincial Government want to extend the time for more than one year, they can do so under the existing Act. They can extend the term for one year, two years or three years.

Mr. SANTOSH KUMAR BASU: Then you do not stand by your own amendment.

Maulvi ABDUL BARI: My amendment does not cover the whole thing. One extension might be for three months, six months or even for one year. But within that one year, there may be more than one extension.

Mr. SURENDRA NATH BISWAS: Are you arguing against your own amendment?

Maulvi ABDUL BARI: Yes. Because I think the amendment that has been suggested by the Hon'ble Minister is more comprehensive and that would not complicate matters. That will solve the real difficulty.

Rai HARENDRA NATH CHAUDHURI: Then give up your own amendment.

Maulvi ABDUL BARI: I freely admit that my amendment is not comprehensive. I do admit it because it is no good saying things which may not be quite correct. But it is not falling into the trap of the other party. There is no question of reprimanding this side or that. It is in the interests of the rate-payers that the amendment has been suggested.

Mr. SANTOSH KUMAR BASU: I think the Hon'ble Minister has understood my point.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes. But I stick to my amendment. I want to make it clear that "for a term of one year" may be interpreted that Government have power to extend the term from time to time for one year, for several years, but for a term not exceeding one year at a time. But if my amendment is accepted, it will be made clear that Government can on no account give extension for more than one year in the aggregate.

Mr. SPEAKER: Then we are all agreed on one point, namely, that provided the Bill is passed, the power of extension will be given. Secondly, provided that power of extension is given, it should not be for more than one year in the aggregate. I think there is no controversy on this point. The only question for decision is, provided the power of extension for one year is given, whether that should include the power of not merely extending in one instalment but in two or several instalments. That question can be decided by voting.

Mr. SANTOSH KUMAR BASU: That is a question of appealing to his good sense.

The Hon'ble Mr. H. S. SUHRAWARDY: I will make my point clear by giving one instance. Suppose, an election is fixed for February. But certain incidents may arise in February which may make the holding of election impossible. We hope that the situation will improve in three months' time. We postpone the election for three months but the situation does not improve after three months, rather it becomes worse. So the election cannot be held after three months. Therefore, it would be necessary to extend the life of the Corporation until the election can be held. So, I think, in the interests of good administration, this amendment, which I have proposed, should be accepted.

Mr. SPEAKER: I take it, therefore, that, so far as clause 3 (*a*) is concerned, it stands, and in clause 3 (*b*), the drafting should be that for the words "for a period not exceeding one year", the words "for a term or terms not exceeding one year in the aggregate" should be substituted.

Now, to simplify matters, the best course would be for Mr. Bari to withdraw his amendment.

Mr. SANTOSH KUMAR BASU: Sir, this will lead to difficulties with regard to other sections of the Act. The term of the Mayor has already been fixed for one year and this has got to be amended if this term business is introduced.

Mr. SPEAKER: Before Mr. Suhrawardy speaks may I point out one thing? I find that so far as section 39 is concerned the word "term" has been applicable to the period of three years and the word "period" has been applicable to a term which is less than three years. You leave that section as it is. In the next section you want to change the words "said period" to "said term". That part is all right. In the second part the word "period" is again changed to "term". Consistently speaking, I think it would be better if the word "period" remains and the language of your draft is changed to "for a period or periods not exceeding one year".

The Hon'ble Mr. H. S. SUHRAWARDY: I thought of that—whether I could have "period" instead of "term" in the second line of the paragraph. But the period in section 39 refers to the period of appointment of an appointed Councillor.

Mr. SPEAKER: Will you move an amendment?

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move that in the proviso to section 39 for the words "for a period not exceeding one year" the words "for a term or terms not exceeding one year in the aggregate" be substituted and that sub-clause (*b*) be deleted.

Mr. JOGESH CHANDRA GUPTA: I submit that this will create confusion.

The Hon'ble Mr. H. S. SUHRAWARDY: It won't.

Mr. SANTOSH KUMAR BASU: Has Mr. Suhrawardy looked at section 10?

The Hon'ble Mr. H. S. SUHRAWARDY: I have considered it, and I hope Mr. Santosh Kumar Basu has also considered what the present power of Government is. The section says that it may be extended for a period not exceeding one year which implies that it may be extended for a period of not less than one year, and, therefore, the difficulty which existed before exists in the present Act. If the life of a Mayor is for a year and power is given under section 39 as it stands in the present Act to extend the life of the Corporation for a period not exceeding one year contemplating thereby that Government may extend the life of the Corporation for less than one year, the original difficulty still exists, that difficulty is not aggravated nor is any new difficulty added by the amendment I propose.

Mr. SANTOSH KUMAR BASU: May I just point out to the Hon'ble Mr. Suhrawardy that under the proviso to section 39 the life of the Corporation must be extended before it expires? It may be for a year or for a smaller period. But taking that proviso along with section 10 which provides that the Mayor shall be elected at the first meeting of the year which must under section 59 be held in the month of April, and shall hold office until the first meeting of the next following year, the option now given to the Government under the proviso to section 39 of granting an extension to the Corporation for a period not exceeding one year, must be limited, and the Government cannot now give any extension for a shorter period, which would militate against the provisions of section 10 relating to the term of office of the Mayor. But the power now proposed to be taken by the Hon'ble Minister for granting several short extensions within a year will be in clear conflict with section 10. In the absence of any definite provision for a complete extension for a year or one smaller extension or anything of that kind, with consequential changes in section 10, an element of uncertainty arises if extensions are granted in the middle of the year, while at the beginning of the first extended term, the office of the new Mayor will be normally expected to run its full course of one year under section 10.

Mr. SPEAKER: I am expecting another validating Bill.

The motion of Maulvi Abdul Bari that in clause 2 after the existing proviso, the following additional proviso be added, namely:—

"Provided further that on no account should more than one extension be granted"

was then by leave of the House withdrawn.

The short notice amendment of the Hon'ble Mr. H. S. Suhrawardy that sub-clause (*b*) of clause 3 be deleted and that in the proviso to section 39 for the words "for a period not exceeding one year" the words "for a term or terms not exceeding one year in the aggregate" be substituted, was then put and agreed to.

The question that clause 3, as amended, stand part of the Bill was then put and agreed to.

Clauses 4, 5 and 6.

The question that clauses 4, 5 and 6 stand part of the Bill was then put and agreed to.

Clause 7.

Mr. SURENDRA NATH BISWAS: I beg to move that clause 7 be deleted.

My contention is that this clause is outside the scope of the Bill. This clause wants to give some powers to Government.

Mr. SPEAKER: How can you say that it is outside the scope of the Bill?

Mr. SURENDRA NATH BISWAS: I am saying this on the strength of the Preamble and the Statement of Objects and Reasons. This clause has not come by way of amendment of any existing clause of the Act.

Rai HARENDRA NATH CHAUDHURI: Please look at the second part of the Act.

Mr. SURENDRA NATH BISWAS: Clause 7 clashes with section 44 of the present Act. This clause should have come by way of amendment either as an additional section to the present Act or by way of an amendment of section 44 of the present Act. But it has come independently. So I say that this clause cannot be considered as a clause amending the present Act.

With these words, I submit that this clause is *ultra vires* and should not be accepted.

Mr. SPEAKER: There is just one point. In section 7 the point has been raised that it comes into conflict with section 44 of the present Act, and thus a difficulty arises.

The Hon'ble Mr. H. S. SUHRAWARDY: Section 45, as it exists, only means to fix a time for the preparation and publication of the electoral roll at the time of the first election which was held more than ten year ago.

Mr. SURENDRA NATH BISWAS: The Bill is coming before us later on, wherein clause 44 has been amended by a similar clause. So in this Bill also, I say, it should have come by way of an amendment. In the form in which it appears in this Bill it is not an amendment.

Mr. SPEAKER: I understand your point. The position is that we will have two Municipal Acts in operation in Calcutta. The original Act and this Act.

Mr. SANTOSH KUMAR BASU: Just as we see two Local Self-Government Ministers working in the Cabinet?

The motion that clause 7 be deleted was then put and lost.

The question that clause 7 stand part of the Bill was then put and agreed to.

The question that the preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move that the Bill, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The Bengal Agricultural Debtors (Amendment) Bill, 1939.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I beg leave to introduce a Bill to amend the Bengal Agricultural Debtors Act, 1935.

The Secretary then read the short title of the Bill.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I beg also to move that the Bengal Agricultural Debtors (Amendment) Bill, 1939, be referred to a Select Committee consisting of—

(1) Rai Bahadur Kshirod Chandra Roy,
(2) Mr. Jagat Chandra Mandal,
(3) Mr. J. W. R. Steven,
(4) Maulvi Haji Tofel Ahmed Choudhury,
(5) Mr. Md. Moshin Ali,
(6) Maulvi Muhammad Israil,
(7) Maulvi Abdul Hamid Shah,
(8) Maulvi Mafizuddin Ahmed,
(9) Mr. Kiran Sankar Roy,
(10) Mr. Harendra Kumar Sur, and
(11) the mover,

with instructions to submit their report as early as possible and that the quorum of the Select Committee be fixed at four.

Sir, in submitting this motion to the House and in requesting it to refer the Bill to the Select Committee I do not think I should enter

into a detailed discussion at this stage. The Statement of Objects and Reasons makes it clear as to what the provisions in the Bengal Agricultural Debtors (Amendment) Bill are. I need only draw the attention of the House to some of the provisions that we contemplate introducing in the existing Act. In the first place, Sir, it will appear that this amending Bill is designed to exclude the Municipal dues and the Union Board rates from the operation of the existing Act. The reasons are obvious, and I need not dilate upon them. By clause 5, it is intended that where there are joint debtors, they will get relief by a proper application being made to the Debt Settlement Board. It is intended, in the next place, by clauses 6 and 7, to shorten the period of time that is taken unduly in getting notices served. And in the next place, by clause 9 of the amending Bill, it is intended to give proper relief with regard to that class of debt known as usufructuary mortgage in this province. There is another provision made in clause 14 by which, when the matter is brought before the Appellate Court, the Appellate Court will have the power to issue notice for the staying of any matter that may be pending before any Civil or Revenue Court.

Sir, one other matter was very distinctly raised by my friend Mr. Manmatha Nath Roy at the time of the last budget discussion, I mean the discussion in 1938, when he pointed out the difficulty that was experienced with regard to certain cases dealt with under section 34, where, by certain rulings of the Hon'ble High Court, the position was made very difficult in the sense that while one set of decisions held the debt to be existing up to the time when the sale took place, another class held the debt to be existing until the sale was confirmed. By clause 15 we want to put an end to this sort of anomaly and we suggest by this clause that debt will be considered to exist up to the point when the sale will be confirmed, if there is any sale held by the Civil Court. Sir, these are some of the provisions that we have made in this amending Bill. I have indicated on several occasions the difficulties that have been experienced by the Debt Settlement Boards in giving proper relief and to put an end to those difficulties this amendment has been thought of.

With regard to the personnel of the Select Committee, as it is intended that we should have this Bill passed at an early date, I have not been able to make the Select Committee larger; but even in this rather narrow compass, we have taken representatives from all sections of the House. Sir, the Bill was published as far back as the 12th January last in the Official Gazette, and it has been before the public, for these three months. With these few words, Sir, I commend my motion to the acceptance of the House.

Mr. P. BANERJI: Sir, I beg to move by way of amendment that this Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939.

In doing so, I must first point out to the Hon'ble Minister that the law is bad not only in name but also in actual working and it has been admitted by Government that this act—it is konwn to be bad widely—is not only bad but in operation it has become worse and by the amendment that is sought to be made it is going to be made much worse. Now, Sir, we find that the administration of this Act has been worse and at the same time quite hopeless for this reason, that the High Court has no revisional power over it. The Hon'ble Minister has also explained the difficulties, and, therefore, he has sought to introduce section 15 just to take away the anomaly. Now, Sir, this is not the first instance. There are thousand and one instances which can be multiplied. Since its introduction we know how it is working in different parts of the country. There are different Boards and different appellate officers. They put different interpretations. In the beginning when this Bill was being passed into law we pointed out that the Government were heading for a crisis. The Government were eager to do good to the agriculturists but the Government have now found that they could not give any relief whatsoever to the agriculturists though the Bill was intended to give relief to them. Now, Sir, as I have pointed out each Board puts its own interpretation and I would now point out to the Hon'ble Minister how this amendment—amendment of section 2(9)—where he proposes to put in the word "occupation" before "primary means of livelihood" would improve the Act. I find no difference whatsoever. Its interpretation will be left as vague as it was before. Now, Sir, for example I will put to him the case of his brother Minister the Hon'ble Mr. Prasanna Deb Raikut. In his case we notice that on account of the fact that he has tea estates and forests his primary means of livelihood is found to be agriculture, and, therefore, it is well known that though he is a big zemindar, he has come under the purview of this Act.

Mr. ABDUL WAHAB KHAN: On a point of order, Sir. My friend Mr. Banerji is referring to a case which is still *sub judice* at Jalpaiguri.

Mr. DEPUTY SPEAKER: He is just citing an example.

Mr. P. BANERJI: The honourable member is hopelessly mistaken. I was just referring to——

(At this stage the House was adjourned for 15 minutes.)

(*After adjournment.*)

Mr. SPEAKER: Before I proceed with the regular business of the House, I may state that we have been able to put up to the

members the first instalment of the amendments of the Bengal Moneylenders' Bill up to clause 10, so that members might get an opportunity to go through them. We shall try to put up the other amendments by to-morrow or the day after. These will be sent to their residence. I find from this list of amendments that there are practically 6 or 7 motions relating to circulation for eliciting public opinion and recommittal. I draw the attention of the Hon'ble Sir Nazimuddin to clauses 1 and 2. Clause 1 does not seem to be very important and may be finished in a day, but clause 2 is very important and may take a longer time.

Mr. P. BANERJI: Now, Sir, before the recess I was submitting for the information of the Hon'ble Minister that the amendment proposed in clause 2 will not in any way improve the Bill. The loophole will remain, as I have just shown by way of an illustration, that even the big zemindars and the tea companies would get in, as the language has been left so vague. Now, the point is what is the improvement the Hon'ble Minister wants to make by his amendment. In spite of his amendment the vagueness still remains, and there is no improvement whatsoever. By this section, as we read it, "debtor" means a person whose occupation and primary means of livelihood is agriculture and who is a *raiyat* or an under-*raiyat* or cultivates land himself or by members of his family or by hired labourers or by *adhiars*, *bargadars* or *bhagdars*, and the term includes a group of persons who join in making an application under the provision of section 9(*1*). Now, Sir, I would ask the Hon'ble Minister to consider what improvement he has made, as there is still the difficulty as to how he can help the agriculturists. I could have understood him if he had put in the word "agriculturist" and given a definite definition of the term agriculturist. It is well known to the Hon'ble Minister that the Bill was passed for the relief of the agriculturists, but now no relief will be given. Now, all zemindars and tea companies and every one can come under this Bill.

Then, Sir, there is another innovation, I mean usufructuary mortgage. That is clause 9. In clause 9 there is an amendment of section 19. Here the Hon'ble Minister brings in the usufructuary mortgage. I submit, the benefit given under section 26(*d*) of the Bengal Tenancy (Amendment) Act is being taken away by this very Bill. I, therefore, say that this clause is absolutely dangerous, and, as we have pointed out in the course of the debate, the section, as it stands, is unjust and iniquitous.

Now, Sir, here is provided that in 15 years or at any time if this Board decides that sufficient money has been realised it will be enough. Sir, as I have pointed out in the beginning, different Boards are making their own interpretations, and the Hon'ble Minister will perhaps agree

with me that there is no question of any fixed principle whatsoever in this matter, because the High Court has no revisionary power over the awards of the Board. Two months ago, a test case was finally heard in the High Court, and the case was perhaps so complicated that even the High Court could not pass any judgment up till this morning. I would ask the Hon'ble Minister why complete usufructuary mortgages should be wiped out altogether by the Board's award. Knowing as he does the condition of the people in the rural areas, how can he say that it is possible for creditors to get double the amount as interest? They cannot even recover the principal—not to speak of large amounts by charging a high rate of interest.

Then, Sir, I would draw your attention to the fact that different cases are decided on by the Boards differently in different districts. The funniest part of the whole thing is that even a person having homestead land and 10 cocoanut trees, can be declared an agriculturist by the Board. There was a case like that in the district of Barisal some time back. This is the anomaly for which I think there must be a comprehensive law on this subject, and, therefore, I would appeal to the Hon'ble Minister to frame a comprehensive law in order to give relief to the agriculturists, for which the Bill was originally intended. There may be delay of 2 or 3 months for doing this, but that is a matter of very little importance. The two points that I have discussed for the consideration of the House and, in particular, for the consideration of the Hon'ble Minister are very important innovations, and, therefore, Sir, I have moved this amendment as the sad plight of the agriculturists still remains the same. The Hon'ble Minister must consider how they are going to protect the interests of the tenants and the agriculturists, which is the professed object of the Government, and for which, in season and out of season, they are shedding crocodile's tears. (Laughter from Congress benches.)

As regards the operation of this Act, everyone is agreed that it is a bad Act. It has done great mischief to the people, and no improvement whatsoever has been made in the condition of the poor people. It has been pointed out by member after member in this House that by the operation of this Act no benefit has been derived by the agriculturists. The Hon'ble Minister, I believe, is aware that rural credit has been abolished altogether and the poor agriculturists to-day have come to grief——

(At this stage the member having reached the time-limit, resumed his seat.)

SJ. NARENDRA NATH DAS GUPTA: Mr. Speaker, Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th June, 1939.

Mr. BIRENDRA KISHORE RAY CHOUDHURY: Mr. Speaker, Sir, I beg to move that after the name of Maulvi Mafizuddin Ahmed, the following names be inserted, namely:—

(1) Rai Bahadur Jogesh Chandra Sen,

(2) Mr. Birendra Kishore Ray Choudhury.

Sir, the reason for which——

Mr. SPEAKER: Mr. Ray Choudhury, it is not necessary for you to make any speech.

Mr. I. D. JALAN: Mr. Speaker, Sir, I rise to support the motion of Mr. P. Banerji.

In supporting this motion, Sir, I am constrained to say that I am surprised that the Hon'ble Minister in charge has taken no note of the opinion and observations of not only irresponsible advisers like ourselves but also of the Reserve Bank of India, the High Court judgments and even the utterances which have been made by some members of the Ministry from time to time.

Sir, the main principle of this amending Bill is that it is going to tighten further the position of the creditors, and that is the very point over which there has been so much of agitation in the country.

Sir, my friend is, perhaps, not aware of the fact that to-day a Full Bench of the High Court has come to the decision that certain sections of this Act and, especially, section 34, are *ultra vires*. My friend, the Hon'ble Minister, ought to have withdrawn this Bill and reframed it in the light of the judgment of the Full Bench delivered to-day, but I believe that the Hon'ble Minister is perhaps not acquainted with what has transpired to-day in the High Court.

Sir, it is a very serious matter which the Hon'ble Minister ought to take note of, viz., that section 34 is no longer applicable to the High Court and that on the strength of a decree passed by the High Court a creditor is capable of attaching the properties of his debtors in spite of the award of the Debt Settlement Board.

Sir, the Hon'ble Minister, I believe, during this interval will properly understand and appreciate the effect of the five judgments which have been delivered by the Full Bench of the High Court to-day. All the Judges constituting the Full Bench have come to the conclusion that this Act is *ultra vires*, so far as the High Court is concerned. One of the Hon'ble Judges has no doubt stated that it is *intra vires* of the District Courts and other courts of Bengal, but it is still a very doubtful proposition as to how far section 34 would be applicable even to District courts. While some Judges are of opinion that the word

"Civil Court" in the Act does not include the High Court, there are others who hold that it does include the High Court. If it does include High Court, then section 34 may be entirely *ultra vires*. On the other hand, if it does not include the High Court, then it becomes *ultra vires*, at least so far as the High Court is concerned.

Now, Sir, several Judges of the High Court have pronounced their views from time to time about the iniquitious result of the operation of the Bengal Agricultural Debtors' Act. It is surprising that Government is not paying any attention to the opinion of the highest judiciary of the province and is bent upon pursuing its policy of bringing about the ruin of the people. (Cries of "Shame, shame" from Congress Benches.) (Laughter from Coalition benches.) I may add, Sir, that in a case which I had the misfortune to conduct before Ameer Ali, J., his lordship stated his views in these terms, and what he said on that occasion is worth perusal.

The Hon'ble Mr. Justice Amir Ali observed in that case: "It is established or admitted that the applicant for stay was himself a member of the Debt Conciliation Board in question." It means that the person who is the applicant is himself the judge! Is there any law in the world which can tolerate this sort of thing? Is there any civilised Government where the man who is himself concerned in the dispute, occupies the position of the judge? Then, again, the Hon'ble Judge goes on—"I was also pressed with the fact that this debt had been incurred in the course of piecegoods business. This again to my mind does not affect the legal question. Acts such as those which break new grounds are apt to lead to interesting situations. This Act may have the beneficial effect of leading people to take greater interest in Agriculture. It may also improve the business of Kabuli money-lenders who do not for the recovery of their dues have recourse to courts of law." Can there be a worse condemnation of the Act than the above pronouncement made by the Hon'ble Judge of the High Court?

The Hon'ble Mr. Justice Costello in one of the cases remarked:—"It is to be observed that, although the alleged debt was as much as Rs. 26,000, yet it does not seem open to the Court to decide or even consider whether the debtor comes within the Act or whether he does not. That question rests solely with the Board. If, therefore, there were no other matters to be taken into consideration, there would have arisen this amazing situation; that the Debt Settlement Board of Parbatipur would have been able to hold up a suit started in the Court of the Subordinate Judge of Darjeeling in which a sum of over Rs. 26,000 was in dispute, and if that Debt Settlement Board had come to the conclusion that the defendants were in fact debtors within the meaning of the Act, the Board might have completely ousted the Court and adjudicated in effect upon a claim for Rs. 26,000 and the

only appeal against their decision would have been to a Munsif whose ordinary powers might be limited to cases involving not more than one thousand rupees. It seems clear, therefore, that the Bengal Debt Settlement Act in its present shape is likely to entail consequences of a fantastic description, which obviously could not have been fully realised or even dimly foreseen when the Act was drafted or when it was passed into law."

The Hon'ble Judge of the High Court perhaps did not appreciate that the Government was incapable of foreseeing and realising the implications of this Act. Even to-day in the Full Bench case the Hon'ble Chief Justice has observed that cases like these are in question, which had come to the High Court, and bring the Act into disrepute.

In this case which was before the High Court there was a claim for Rs. 71,000 between two merchants—not one of them was an agriculturist. A settlement was arrived at and receivers were appointed. When the property was going to be put up for sale, the debtor makes an application to the Debt Settlement Board, and the whole machinery of law comes to a standstill. Two years have elapsed and no remedy could be found. The creditor had to spend a lot of money in order to get a decision of the High Court and what is the decision? The Court said that it is *ultra vires*. I say that this decision of the Court is a sad reflection upon the judicial mind of the Legislature. Utmost consideration must be shown in preparing and considering these laws. For the last two years every person who is a lawyer has been confronted with the fact that there have been so many amendments to the laws that it is difficult to cope with them. One law carefully devised must be produced before the Legislature and passed; and people must know as to where they stand. It is not necessary for me to go into detail over the various provisions of the Bill introduced by the Hon'ble Minister. It is sufficient to say that wherever there has been the slightest favour or the slightest thing which goes for the benefit of the creditor, it has been sought to be washed away. Under the Act, as it stands, unless 60 per cent. of the creditors agree to the reduction of the principal amount, the Debt Settlement Boards have no power to reduce the amount.

Now, under this Bill, that provision is sought to be washed away. Even the principal is to be reduced, and by whom? By those persons of the Debt Settlement Board who are working honorary. It passes the comprehension of any reasonable man how five persons without any remuneration, without any payment, will try to give the utmost consideration to the problems from day to day and deal not with thousands and thousands of rupees but lakhs and lakhs of rupees. To these people are entrusted the destinies of thousands of creditors. It passess my comprehension, it passes the comprehension of any person who has the slightest sense of justice in him as to why the

Ministry has taken a course which is so detrimental to the interests of the people. The Reserve Bank of India which is regarded as a responsible Bank, has warned against the pernicious effects of this Act. It is sufficient for me to say that the Reserve Bank, as a matter of fact, has, in practice, found that many Banks which have dealings with agriculturists are now anxious to call in their loans as soon as possible and restrain the business.

The Hon'ble Sir Bijoy Prasad Singh Roy in opening the Rural Bank at Chinsurah said: "The general economic depression and the rumour that the provisions of the Bengal Money-lenders' Bill would debar creditors from recovering their legitimate dues, have adversely affected the credit system in the mofussil". The Hon'ble the Finance Minister in one of his speeches expressly admitted that the effect of the Bengal Agricultural Debtors Act has been detrimental to the credit system of the province. But he was too magnanimous to ask people to supply credit. But that is impossible under the present circumstances and the people's position will be much worse, if the present amendment is passed into law. I am sorry I have got no time to deal with all the points. But I am quite satisfied that, in view of the decision of the Full Bench to-day and in view of the utterances of these responsible persons, it would be wise at present on the part of the Government to examine from all points of view the existing laws and produce before the House a Bill which will command respect and attention of the public and which will be really useful, and in the best interests of the people. Government must not take the view that the middle-classes of Bengal have got to be crushed. It is a fallacy which Government would do very well to disabuse their mind of altogether. It is impossible for Bengal to flourish if the middle-classes are crushed in this way.

Then we know, Sir, that lawyers are debarred from appearing before these Debt Settlement Boards. At the same time, there is not a single man of judicial experience on the Board, and the Hon'ble Minister has said that it is not necessary to have persons of judicial experience on the Board. I do not want to blame the personnel of the Board.

Sir, there are district courts and judges' courts which have been affected very much by the operation of the Debt Settlement Boards. Why not entrust the work of these Boards to these courts which are now suffering from want of work? I do not find any reduction in the expenses of these district and civil courts—the expenses are there as before—although litigation has greatly reduced. Why not entrust these courts with the work of these Boards instead of leaving it to the hands of illiterate villagers?

The Hon'ble Mr. Mullick has said that judicial experience is not required from persons who work on the Debt Settlement Boards. I may

say that if a person goes through this Act, he will find that in innumerable places the highest judicial tact and the highest judicial impartiality is required in order to decide what is fair and what is not fair. Even the definition of "debtor" is such that it will tax the energy of a practising lawyer of experience to decide whether or not a particular person comes under the definition of the word "debtor." Does the Hon'ble Minister mean to say that this question can be decided by those persons who have no knowledge of law and who have lent their services honorary for the sake of motherland? I emphatically say, although I do not wish to cast any aspersion upon the personnel of these Boards, that so far as the Government are concerned they stand condemned before the tribunal of justice, they stand condemned before the public, and I shall once more implore the Hon'ble Minister not to ruin the credit of Bengal, not to do such a thing for which the entire posterity will curse us. Government should not be guided by considerations of short-sightedness. You must view the whole problem from a long point of view, and posterity will be grateful to you if without impairing the credit of Bengal you can relieve the people from their debts.

(Here the member having reached his time-limit, resumed his seat.)

Mr. C. MORGAN: I had hoped that my honourable friend Mr. Mullick would bring in a Bill to repeal the Bengal Agricultural Debtors' Act instead of bringing in an amending Bill to the present unsatisfactory and unworkable Act. Unfortunately I was not in the House when the Hon'ble Minister moved for a grant of Rs. 21 lakhs for the Debt Settlement Boards; otherwise I would have suggested what I am suggesting now, *i.e.*, that he should repeal the Act to do away with the Debt Settlement Boards and utilise the 21 lakhs in other better channels. Having said that I now come to the Bill which is before the House and the motion which is moved by the Hon'ble Minister for referring it to a Select Committee.

I welcome the attempt on the part of the Government to ameliorate the present Act but as I said before it would have been better to do away with the Act altogether. On this amending Bill one or two things I should like to point out—to draw the attention of the Select Committee, if appointed. One is with regard to the definition of a debtor. Occupation is not defined, and I think the honourable member who spoke just before me was also of the same opinion that any lawyer who drafts a petition finds it difficult to understand the definition of a debtor as stated in the Bill, but since "occupation" is not defined I do not think the definition of the debtor would be at all satisfactory.

With regard to the change from "any officer who has judicial experience" to the wording "servant of the Crown" I am afraid I am

absolutely ignorant of what any servant of the Crown means. I do not know the lowest grade of the "servants of the Crown." I doubt whether it will be a happy change because I do not think he will be as competent as an officer with judicial experience.

There is a clause dealing with joint debts, which gives the board complete jurisdiction over the entire joint debt for rent. At present for no joint debt can an individual debtor seek relief. Under the new Bill one member of the joint debt can seek relief and the whole debt is decided. Where there are other joint debtors, 2, 3, 4, 5, 6 whatever they may be, they have to accept the decision of the Debt Conciliation Board even if they have not been applicants in the case.

Sections 18, 19, and 19(a).—I think the Select Committee will have to give very serious attention to these. In the objects and reasons of the Bill the Hon'ble Minister has stated that the Bill prescribes a procedure for dealing with debt secured by usufructuary mortgage and for restoration of the land to the debtor. There is no mention in the clauses of the Bill of the words "usufructuary mortgage" and that I trust the Select Committee will go into. What does it mean? It means a debt against which possession of land or immovable property has been given to the creditor as security. But now before the original debt is cleared off that security must be returned. This will lessen the value of the existing usufructuary mortgages. I consider this to be altogether too revolutionary and will considerably reduce the value of securities already accepted in good faith.

Let me now take up sections 18 and 19A. I do not think I have many more points to draw the attention of the Select Committee to, but there are one or two points which I would like to mention. I think they require a very careful consideration and unless the Hon'ble Minister feels inclined to withdraw the Bill and to bring in a repealing Bill for the present Bengal Agricultural Debtors' Act, the Select Committee will have to try and improve the very serious defects in the present Bill. The Hon'ble Minister has received from me from time to time figures showing how unsatisfactorily the Debt Conciliation Boards operate and I have no hesitation in saying from the experience that I have gained that we would be much better without them. At the same time I know that there is a clamouring in all the districts, for such Boards. I can quite understand the reasons for it! It is very difficult to refute the argument in theory, but in practice it is useless and I consider that the Debt Conciliation Boards ought to be completely done away with.

With these words I support the motion for reference to Select Committee.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am sorry it is impossible for me to agree to the suggestion of my friend Mr. P. Banerji when he moves that the Bill be circulated for eliciting public opinion thereon.

To start with, you will find that the dates mentioned therein would show how half-heartedly these motions have been tabled. My friends do realise that a Bill of this nature is certainly important and it calls for immediate treatment by the House. I have brought to the notice of the House time and again the difficulties that the Boards have been experiencing in giving their decisions quickly. Now it is the desire of all of us that some relief should be given to the large body of indebted agriculturists in the mofussil. My friend Mr. P. Banerji starts his observation by calling it a bad Act. I am extremely sorry that he of all persons should have used that expression, for if I remember aright my friend Mr. Banerji was also a member of the House which passed this measure and put it on the Statute Book. I might also say that this would be something like a certificate for himself from that point of view.

Mr. ATUL KRISHNA GHOSE: He opposed it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: He says that the clause that I have put in in this Bill (clause 2) to apply to those persons whom it is our desire to serve and to give some relief to those persons would not help them in any way. I join issue with him so far as that point is concerned. If it is agreed that the agriculturists should be given some relief I feel that this is the only way in which that can be done. The other point he has thought fit to argue before the House is that by introducing clauses 9 and 10 dealing with usufructuary mortgages will be of no avail, in view of the fact that section 26 (*g*) of the Bengal Tenancy Act as amended should have met the point. Sir, I submitted to the House in connection with my budget demand under this head the difficulties that the Boards were experiencing in dealing with these classes of debt and unless the Boards have the power to make their awards really effective, it is impossible for them to make their awards in any way useful for the parties for whom these are meant. Sir, even if these are at all matters which require consideration, I submit it will be certainly for the Select Committee to do so, and to see for themselves if they can improve upon the Bill and if in the end they can suggest anything for the serious consideration of the House at the time when this will be brought up before it.

Sir, Mr. Jalan has taken his cue from Mr. Banerji and he says that by the operation of this Act rural credit has absolutely dried up.

Rai HARENDRA NATH CHAUDHURI: That is a fact.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I made my submission under that head only the other day in connection with the Budget demand. One of his principal points is that he cannot believe that five honorary men without any remuneration can deal with matters of this kind. I can only sympathise with him in this attitude of his but perhaps it is just because of the occupation that he himself follows that he refuses to believe that five men are really doing work of this nature without any remuneration. I would only invite him to come along with me and to see for himself and satisfy himself that the people in the interior do come forward not only to act as members of the Debt Settlement Boards but to do work of a much more serious character, to settle disputes that occur in the villages.

Babu NAGENDRA NATH SEN: We have seen all that.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: My friend Mr. Nagendra Nath Sen interjects that he has seen enough of that. I would only remind him of the little provision in the Civil Procedure Code which speaks of referring such matters to the arbitration of villagers in the interior. I have myself seen cases where they have settled disputes of a much more intricate nature than those which are brought before the Debt Settlement Boards in the present day.

Rai HARENDRA NATH CHAUDHURI: Of their own free choice.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: My friend Mr. Jalan again draws my attention to some of the observations that have been made by the Reserve Bank and by the High Court and admonishes me that I have not paid sufficient attention to those observations. With regard to these I do not see eye to eye with him for I have not been able to bring myself to agree with the observations of this nature. And what after all has the Hon'ble High Court done?

Rai HARENDRA NATH CHAUDHURI: To-day?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, the case that was mentioned was heard by a full bench consisting of three Hon'ble Judges sometime in December and they took three months to pronounce their judgment. I am sorry I have not had the time nor the good fortune to listen to their judgments, but I do not think I shall be justified in saying anything with regard to the observations that the Hon'ble Judges have made. But Sir, all that they have said is that when section 34 of the existing Act makes mention of the Civil Court that expression does not apply to the Original Side of the High Court. All that they have done is to say—if of course I have been able to follow Mr. Jalan aright—that section 34 which gives power to the Board to

issue notices instructing the Civil Courts to stay its hands with regard to a matter which has just come before the Board will not apply to the High Court. If I have been able to follow him rightly I can only mention that the High Court does not stand in our way in the least, for it is only the rural people who are seeking to get some relief through these Boards. And if the High Court have made any observations we should be only too glad to see how far we can go to meet those observations.

Sir, in the next place Mr. Jalan has observed that these Boards have been dealing with cases involving large amounts. I made my position clear the other day on the subject of this particular matter when I said that Government had decided upon the maximum sum that could be dealt with by these Boards under section 55, sub-section 2 (*a*). It is only a bit of legal phraseology that has got to be settled before we are able to publish it for the information and guidance of these Boards. So far as that point is concerned the amending Bill has got nothing to do.

My friend Mr. Morgan starts by saying that I should be well advised to come forward with a Bill to repeal the existing Act. I can well appreciate his difficulties and I can only assure him that it is to remove these difficulties that this Amending Bill has been brought forward. It is just to see that we get to the end of the huge amount of accumulation of cases that has taken place before the Boards that some of these points have been considered to be essentially necessary.

Dr. NALINAKSHA SANYAL: What about other difficulties? Why not bring in a comprehensive amending Bill?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, these are some of the difficulties that I have mentioned. All the difficulties that we have been able to think of are mentioned in the Bill and my friend Mr. Jalan says that the Boards, composed of persons without legal knowledge, dispose of these matters and that such disposals are unsatisfactory. Sir, there is provision for appeal at every step. Would he be surprised to hear when I say that out of over 9 lakhs of cases, only 119 appeals were preferred before the Special Appellate Officers? There is no bar to the lawyer appearing before the Appellate Officer. In some cases the Appellate Officer is a judicial officer, a senior Munsif and in other cases it is the Collector. I would have understood his difficulties if I were told that against the decision of these Boards there had been a large number of appeals. At every step there is an appeal provided for. And if the parties are aggrieved and if they do not get satisfaction before the Boards, appeals could be taken against decisions to court where the appeal could be argued by lawyers.

Dr. NALINAKSHA SANYAL: Appeal does not lie.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Therefore, Sir, I submit with all respect, whatever may be his point of view it does not affect the present question and there has been no grievance so far as that particular point is concerned.

Dr. NALINAKSHA SANYAL: Read the *Calcutta Weekly Notes*.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I wish you had read and understood it properly Dr. Sanyal.

Dr. NALINAKSHA SANYAL: How can I understand it properly? I am not a lawyer.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So please sit down.

With regard to the other point that Mr. Jalan has mentioned, namely, about section 4, we have thought of amending the particular clause where instead of having an officer with judicial experience we have thought it fit to see that he should be a servant of the Crown. I wish he had asked me that question earlier so that I would have been able to give him an answer. The position is this: section 4 contemplates the procedure to be adopted where members of a Board have to be removed or Boards have to be dissolved. If a Board is dissolved, somebody must take charge of its affairs. Now if a Board is functioning, say, 15 or 20 miles away from a place where a Court is functioning, who is to take charge of its affairs? We cannot give it to a Munsif. We cannot depute a Munsif to take charge of the Board. Therefore he must be a servant of the Crown with experience. By this is meant a Subdivisional Officer or a Circle Officer. Therefore we have suggested a servant of the Crown who is a Government officer. He may be a Circle Officer, or a Subdivisional Officer; and that is the idea with which this amendment has been contemplated. I submit no serious point has been raised which would lead me to agree with this motion for circulation being accepted. I think, therefore, that there is no point which has been raised in this connection. So I oppose the motion for circulation and I commend my motion to the acceptance of the House.

Then, Sir, with regard to the motion moved by my friend Mr. Birendra Kishore Ray Choudhury, I am extremely sorry for not being able to accept his suggestion at this stage, although I have every sympathy for it. If I could know beforehand that he wanted to be on the Select Committee, I might have thought of him as a member of the Committee. I hope Mr. Ray Choudhury will not misunderstand me.

The motion of Mr. P. Banerji that by way of amendment the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939, was then put and lost.

The motion of Sj. Narendra Nath Das Gupta that by way of amendment the Bill be circulated for the purpose of eliciting opinion thereon by the 15th June, 1939, was then put and lost.

Mr. BIRENDRA KISHORE RAY CHOUDHURY: Sir, I beg leave to withdraw the motion that stands in my name, viz., that after the name of Maulvi Mafizuddin Ahmed, the following names be inserted, namely:—

(1) Rai Bahadur Jogesh Chandra Sen, and

(2) Mr. Birendra Kishore Ray Choudhury.

The motion was then, by leave of the House, withdrawn.

The main motion of the Hon'ble Mr. Mukunda Behary Mullick that the Bengal Agricultural Debtors (Amendment) Bill, 1939, be referred to a Select Committee consisting of—

(1) Rai Bahadur Kshirod Chandra Roy,

(2) Mr. Jagat Chandra Mandal,

(3) Mr. J. W. R. Steven,

(4) Maulvi Haji Tofel Ahmed Choudhury,

(5) Mr. Md. Mohsin Ali,

(6) Maulvi Muhammad Israil,

(7) Maulvi Abdul Hamid Shah,

(8) Maulvi Mafizuddin Ahmed,

(9) Mr. Kiran Sankar Roy,

(10) Mr. Harendra Kumar Sur, and

(11) the mover,

with instructions to submit their report as early as possible and that the quorum of the Select Committee be fixed at four, was then put, when Mr. Jogesh Chandra Gupta rose to make a statement on behalf of the Opposition.

Mr. JOGESH CHANDRA GUPTA: Sir, as a substantial section of the Opposition, namely, the Krishak Praja party, has not been given any representation on the Select Committee, we feel that the Congress Assembly Party cannot work on the Select Committee under these circumstances.

Mr. K. SHAHABUDDIN: Sir, I beg to submit that before drawing up the list of members of the Select Committee, I consulted the Chief Whip of the Opposition. I told him that 11 would be the number, and that so many would be from the Congress and so many from the other groups. I hope, Sir, Mr. Surendra Nath Biswas will also bear me out about this matter. As far as the Opposition is concerned, I did actually consult the Chief Whip of the Opposition, but we have not recognised the other smaller groups of the Opposition.

Mr. JOGESH CHANDRA GUPTA: Sir, I am very sorry to contradict my friend——.

Mr. SPEAKER: I do not think I can allow a statement to be made as to what had happened.

Mr. JOGESH CHANDRA GUPTA: In that case, Sir, I am sorry to inform you that names of the members of the Congress party should be withdrawn from the Select Committee.

Mr. HARENDRA KUMAR SUR: Sir, I beg to withdraw my name from the Select Committee.

Mr. SPEAKER: I regret it is very difficult for me to allow any name being withdrawn at this stage unless Mr. Mullick is prepared to have the names withdrawn.

Point of order.

Dr. NALINAKSHA SANYAL: May I rise on a point of order, Sir? The rules of the House, as they stand, require that the consent of the member concerned should be taken. If the member is not willing to serve on the Select Committee, he cannot be forced to do so. The work in the Select Committee is of the nature of a public duty, which a member is called upon to perform. If you summon a member to serve on a Select Committee and he does not like to come, that will be an insult to you, Sir, and to the House. That is why if at this stage a member expresses his desire not to serve on the Select Committee, it is up to you to see that his name is withdrawn so that in future he may not take such action as may reflect upon your own position.

Mr. SPEAKER: I quite realise this point, but I feel I cannot do anything at this stage for the simple reason that once I allow a latitude

like that it will be very difficult for me to manage the House. It is open to a member up to the stage when a mover moves a motion for a Select Committee, to consider whether that member or the party or the group to which he belongs should or should not participate in the Select Committee. The consent of these two persons belonging to the Opposition was received in my office——.

Dr. NALINAKSHA SANYAL: But the members have intimated just now that——.

Mr. SPEAKER: Dr. Sanyal, I cannot allow any discussion at this stage when I am going to give a ruling. I am prepared to hear what you have got to say, but I hope you will not disturb me when I am on my legs.

Dr. NALINAKSHA SANYAL: I only submit that at the stage when the consent of individual members is sought it is not possible for the members to know who are the other members going to be invited to serve on the Committee. It is only at a very late stage, particularly on an occasion like this, that members of the Congress were approached for their consent. At that stage, Sir, it was not possible for us to know whether any other member was going to serve or not. As a matter of fact, you will find from the note circulated that, apart from the few members of Government—I mean the Coalition party—, the names of Congress party members were also not circulated. It was quite possible that other members were coming in, but how could we know that?

Mr. SPEAKER: I think I shall be able to give my final decision on this point. I quite realise this point, but I may state that on the floor of this House the consent was received from the Opposition. I, as the Speaker of the House, cannot countenance any move intended to obstruct the coming in of any member of the Opposition to serve on the Select Committee. In the very beginning, these two names were moved. After that there was a discussion. Had I known about it in time I could have taken proper steps, but nothing was communicated to me. After that, or even later, I was not informed of the facts, and when I was going to put it to vote it was not possible for me to allow any withdrawal. I was perfectly willing to give Mr. Mullick a chance. I am sorry, but during the whole time there was nothing before me to show that it was not the desire of any party to participate in it. I shall explain further. These names, including those two names, are before the House since the motion is before the House. Therefore, it is not possible to omit those two names. In any case, I have no right to do so. The motion before the House is Mr. Mullick's motion, and Mr. Mullick can withdraw any name with the leave of the House. Without the leave of the House, it cannot be done.

The best course would have been if I were informed beforehand, to ask the Whip of the party to move a motion on short notice, viz., that these two names be deleted; that would have been perfectly in order. But that not having been done, I do not think I can interfere at this stage. Therefore, I have to put Mr. Mullick's motion to vote unless Mr. Mullick withdraws.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I enquire whether you will put all the names together, or you will put only these two names separately?

Mr. JOGESH CHANDRA GUPTA: I submit, Sir, that those two names should be put separately.

Mr. SPEAKER: I would have been very glad to do so if Mr. Mullick had moved his motion like that. There is great danger for the Speaker in having a motion bifurcated, unless the mover wants it himself. Under the rules, I cannot do it.

Dr. NALINAKSHA SANYAL: If it is not an amendment, may I know how can it come in at all?

Mr. SPEAKER: It came in as a motion. I think, Mr. J. C. Gupta, it is no use being blind to the facts. Hundreds of times in this House names have been added by a member as part of a substantial motion, and I hope Mr. Gupta will not challenge it.

Mr. JOGESH CHANDRA GUPTA: No, Sir.

Mr. SPEAKER: Exactly the same procedure has been followed here. In any case, I have to put it to vote.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that the Bengal Agricultural Debtors (Amendment) Bill, 1939, be referred to a Select Committee consisting of—

(1) Rai Bahadur Kshirod Chandra Roy,

(2) Mr. Jagat Chandra Mandal,

(3) Mr. J. W. R. Steven,

(4) Maulvi Haji Tofel Ahmed Chowdhury,

(5) Mr. Md. Mohsin Ali,

(6) Maulvi Muhammad Israil,

(7) Maulvi Abdul Hamid Shah,
(8) Maulvi Mafizuddin Ahmed,
(9) Mr. Kiron Sankar Roy,
(10) Mr. Harendra Kumar Sur, and
(11) the mover,

with instructions to submit their report as early as possible, and that the quorum of the Select Committee be fixed at four, was then put and agreed to.

Dr. NALINAKSHA SANYAL: Sir, at this stage may I rise on a point of order? I draw your attention, Sir, to section 38 of the Assembly Rules and Standing Orders relating to motions where it is stated in sub-section (2): "A member who wishes to move a motion (other than a motion for which a specified period is otherwise prescribed) shall give notice of his intention to the Secretary ten days before the meeting at which he intends to move the motion: Provided that the Speaker may, in his discretion, admit at any time any motion at shorter notice than that prescribed by any order or may admit a motion without notice."

I submit, Sir, that if the previous motion was a motion as a whole; the question of short notice with regard to a part of it could not arise. Either the whole was a motion or a part was a motion by way of amendment to the original motion. Of course, now that the voting has taken place——.

Mr. SPEAKER: I quite see your point. But the position is that it is not this motion but, in its substitution, another motion with the addition of two names. That was admitted on short notice, and Dr. Sanyal knows that I was a lawyer for some time! (Laughter.)

Maulvi AZHAR ALI: Mr. Speaker, Sir, I think Mr. Syed Abdul Majid belongs to the Opposition.

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir, just at the time when this motion was put to the vote, I heard the Chief Whip of Government saying that he did not recognise any other party, or the Opposition. May I know through you, Sir, as the Hon'ble Speaker of this House, as to what right has that gentleman to say that he does not recognise any other party?

Mr. SPEAKER: I should be very glad if my friends on the left and my friends on the right will keep me out of these controversies. So far as my functions as Speaker are concerned, it is my duty to give

proper status and recognition to all the parties and groups in the Opposition: and, in pursuance of that, I think, honourable members will realise that, throughout the time that I have been the Speaker of this House, I have been trying to establish a convention that the Opposition should be given its proper place. I have recognised the Congress as a party because it consists of such a large number of members that it ought to be recognised as a separate party; I have recognised the European members as constituting a party; I have recognised the Krishak Proja members as forming a group and not a party, because as regards a party, I have in mind a certain number of members.

Dr. NALINAKSHA SANYAL: May we know, Sir, what is that number?

Mr. SPEAKER: It is 25.

Dr. NALINAKSHA SANYAL: How is it then that Mr. Jatindra Nath Basu is considered to be the leader of a party?

Mr. SPEAKER: Don't be impatient, please. Mr. Basu belongs to a group and not to a party. Further, there are sub-groups. A group or sub-group may consist of even five members. For certain purposes, I have to recognise the Labour members, though they constitute a minority, as a group, because labour represents a definite interest, and that is why I have recognised it as a group. But whether the Government Whip recognises any party or not is a matter with which I am not at all concerned.

Mr. K. SHAHABUDDIN: On a point of personal explanation, Sir. There was no question of recognition of any party or group. I was only referring to the past practice, and I said that we have so far dealt with the Chief Whip of the Congress party as the Whip of the Opposition.

The Bengal Tenancy (Third Amendment) Bill, 1938.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg leave of the House to introduce a Bill further to amend section 52 of the Bengal Tenancy Act, 1885.

The Secretary then read the short title of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the said Bill be taken into consideration.

Sir, honourable members may remember that section 52 was included in the Bengal Tenancy (Amendment) Bill, which was passed by this House last year. But His Excellency the Governor thought that it was encroaching on section 299 of the Government of India Act.

Dr. NALINAKSHA SANYAL: May I rise on a point of order, Sir?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not like to be interrupted.

Mr. SPEAKER: What is your point of order, Dr. Sanyal?

Dr. NALINAKSHA SANYAL: Sir, is the Hon'ble Minister entitled to quote the name of His Excellency the Governor either in support of his motion or in opposing some other motion?

Mr. SPEAKER: I did not hear what Sir Bijoy said.

Dr. NALINAKSHA SANYAL: He said that His Excellency thought that section 52 was encroaching on section 299 of the Government of India Act. That is what he said.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am sorry that Dr. Sanyal should think it fit to interrupt me in this way, because you may remember, Sir, that this Bill with the assent (DR. NALINAKSHA SANYAL: Not assent, but recommendation) of the Governor was referred back to the House with the suggestion that section 52 should be excluded.

Mr. SPEAKER: I think that both of you are right and both of you are wrong (Laughter); so far as Sir Bijoy's statement is concerned, Sir Bijoy would have been perfectly in order if he had said that His Excellency did not consider that a particular section of the Bill should be a part of the old Bill, and that is why he has brought this Bill. Instead of that he said that His Excellency thinks that section 52 does come in conflict with section 299. That is the real point of objection. Therefore while he is perfectly at liberty to refer to His Excellency the Governor so far as the message is concerned, he cannot do more than that.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I thought, Sir, that the message was an expression of opinion. Of course I have not got before me exactly what the message was and I tried to explain what was the object of his sending back the Bill with his message. So section 52 had to be taken out of the Bill and in that message, so far as I remember speaking from memory—His Excellency made it perfectly clear that he hoped that Government would introduce a Bill to prevent abuse of section 52: this was clearly mentioned in the message of His Excellency and now this Bill has been introduced just to fulfil that object.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Is the Hon'ble Minister in order to——.

Mr. SPEAKER: This time he is perfectly in order.

The Hon'ble Sir BIJOY PRASAD SINGH ROY. The object of this Bill is not to prevent landlords from claiming additional rent for increased area. Where there is actual increase, landlords will be entitled to claim increased rent. But a claim for additional rent on a fictitious increase of land, this Bill, if placed on the Statute Book, will be prevented. That is the sole object of this Bill. Government have found that there were many cases in which there was no increase of land, but by use of a standard of measurement which is less than the original standard of measurement the landlords claimed additional rent, though the boundaries of the holdings remained exactly the same and the area also remained exactly the same. There was a very large number of such cases in Rajshahi. That is why Government thought that in fairness to the tenants it was necessary that the Bill should be introduced to amend section 52 to prevent its abuse. I would like to impress upon the House that it does not take away the rights of landlords to demand additional rent for actual increase of area.

Maharaja SASHI KANTA ACHARYYA CHOUDHURY, of Muktagacha: Sir, I rise to oppose this Bill. No doubt the Hon'ble Minister is trying to explain what has already been clearly given decision on by the Civil courts and also by the Hon'ble High Court. I would like to mention the case referred to in 15 *Calcutta Weekly Notes*, page 921, in which it has been said "the standard by which the land was measured at the inception must be the same as that by which the excess is found, and the landlord has to prove that the same standard was used on both the occasions." Again in another case in 35 C.L.J. 161: it is said "if the land was measured with a particular pole in the first instance, the same pole should have to be used in the determination of the excess".

He said that under false statement landlords try to get enhanced rent. But, Sir, that is not true. Whenever landlords claim enhanced rent under section 52 he must prove that the same standard of measurement was used on both the occasions: if he can prove that, then and then only he can get enhanced rent.

As regards boundaries, formerly and even now they are, in most cases, not so definitely stated that there cannot be any increment. It might adjoin a *khas* land or it might adjoin other lands in which the boundaries are stated thus—north so and so, south so and so, east so and so and west so and so. If a portion of the land in the north is taken away, the boundary still remains the same, e.g., north so and so, south so and so, east so and so and west so and so. It would be only right not to give false hopes to all parties and make them go into litigation which will result in only upsetting the relations between the landlords and the tenants and no real benefits would accrue from the passing of this Bill.

The motion that the Bengal Tenancy (Amendment) Bill, 1938, be taken into consideration was then put and agreed to.

Clause 1.

The motion that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in clause 2 (*2*) in proposed sub-section (*1A*) of section 52, line 12, the word "similar" be deleted.

Mr. SPEAKER: You may also move your amendment No. 74.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in clause 2 (*2*) in line 13 of the proposed sub-section (*1A*) of section 52, after the words "it shall be presumed", the following words and brackets be inserted, namely, "(notwithstanding anything contained in any contract)".

Mr. SPEAKER: As regards your amendment No. 75 may I know the exact purpose of its latter portion. The first part is all right.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The object of the latter portion of this amendment is that where a tenant has

encroached gradually on another tenant's land and the landlord had to grant reduction of rent to that tenant for reduction in area, the presumption would not apply. But with your permission, Sir, I propose to leave out the following lines from the amendment—"unless an equivalent reduction of rent on account of reduction of area has been granted in respect of any or all of the contiguous tenures or holdings:"

Mr. SPEAKER: Will you please move it in an amended form?

Mr. SHAMSUDDIN AHMED KHANDKAR: Sir, the Hon'ble Minister has almost accepted my amendment, the only modification being in the latter part. I shall move my amendment as it is and would request the Hon'ble Minister to accept it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In that case he will have to move his amendment with my proviso.

Mr. SHAMSUDDIN AHMED KHANDKAR: I will move my amendment but you may accept it with your proviso.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That will serve my purpose.

Mr. SPEAKER: I think the best way is to allow him to move his amendment and then you can move your amendment.

Mr. DHIRENDRA NATH DATTA: There is some difference between the two. In one case it is imperative. The Court cannot grant any increase in rent on account of increase in area. In the other it is "presumably".

Mr. SPEAKER: Mr. Shamsuddin, you will probably be well advised to allow Sir Bijoy Prasad Singh Roy to move his amendment. Yours is a mere presumption and the other is a question of the Court's doing it. I will ask Sir Bijoy to move his motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 2 (*2*) after the proposed sub-section (*1A*) of section 52, the following be inserted, namely:—

"(*1B*) When in a suit an increase in the actual area of the tenure or holding is sought to be proved under clause (*a*) of sub-section (*1*), the Court shall enquire as to whether the present area of the tenure or holding in suit is within the same

defined boundaries as set forth in the *kabuliat* or *patta* at the inception of the tenancy; and if the Court finds that the present area of the tenure or holding in suit is within such boundaries no increase of rent shall be granted on account of increase of area:

Provided that the provision of this sub-section shall not apply to any suit in respect of any tenure or holding of which any portion of the boundaries set forth in the *kabuliat* or the *patta* comprises a river or sea or land held *khas* by the landlord or the Crown."

Maulvi ABU HOSSAIN SARKAR: I beg to move that in clause 2 (*2*) after the proposed sub-section (*1A*) of section 52, the following sub-sections be inserted, namely:

"(*1C*) Notwithstanding any contract to the contrary the Court shall also enquire whether there was any *khas* land of definite area of the landlord in the vicinity of the tenure or holding in suit at any time after the rent previously paid was settled and whether the tenant or his predecessor has actually made any encroachment of any specific area thereof. If no such proof is forthcoming it shall be presumed that there has been no increase in the actual area of the tenure or holding in suit since the rent previously paid was settled."

"(*1D*) Notwithstanding any contract to the contrary it shall be the duty of the landlord to satisfy the Court that no standard of measurement other than what was actually in use in the locality or pargana was used at the time of settlement of the rent previously paid in respect of the tenure or holding in suit. If he fails to do so it shall be presumed that there has in fact been no increase in area of the tenure or holding in suit since the rent previously paid was settled."

Mr. SHAMSUDDIN AHMED KHANDKAR: I don't move my motion.

Mr. DHIRENDRA NATH DATTA: I beg to move that to proposed sub-section (*1B*) of section 52, the following additional proviso be added, namely:—

"Provided further that if there is no document creating the tenancy and if it be proved on enquiry that there is no river or sea or any land held *khas* by the landlord or the Crown or there was no such river or sea or any *khas* land of any landlord or of the Crown at any time in any of the boundaries of the land included in the tenancy, the Court shall hold that there was no increase in area."

Mr. SPEAKER: I have admitted it. But supposing the land and sea existed 2,500 years ago your section will be inoperative. It is only a matter of opinion. Your section says there was no such river or sea or any land at any time. The tenancy originated in 1858 and the sea existed 2,500 years ago. Your amendment is there. Anyway I think it will be of no use to sit any further. We will discuss it on Monday.

Adjournment.

The House was then adjourned till 4-45 p.m. on Monday, the 3rd April, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 3rd April, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 208 members.

Obituary Reference.

Mr. SPEAKER: Ladies and gentlemen, it is my melancholy duty to refer to the sad death of Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh, on Saturday last at his Calcutta residence. A man of outstanding ability and refined culture he began his active public life from the days of the anti-Partition Agitation. He continued to remain in public life and served this province in various capacities till his death. He was a member of the Greaves Commission which recommended the separation of the Judiciary from the Executive. He was first elected by the Dacca Landholders Constituency of the Bengal Legislative Council in March, 1925, and for a short time in that year was appointed the Minister in charge of Local Self-Government and Excise Departments. On the reconstitution of the Council in 1927 he was again returned by the said constituency and was elected President on the 11th January, 1927, and similarly returned and re-elected President of the reconstituted Council in 1929. In this position he continued till the inauguration of the present Reforms when he was elected by the members of this Assembly to the present Bengal Legislative Council.

As the President of the Legislative Council he was jealously anxious for the dignity, prestige and honour of the Council and the mace which is before me was introduced at his initiative and it was due to his firm stand that the Bengal Legislative Council Department was separated from the Legislative Department of the Government in 1932 as an autonomous department.

Created a Raja in 1910, he received his Knighthood in 1930 and six years later he became a Maharaja.

His premature death has been an irreparable loss to us. His towering personality and geniality of manners would be missed by the

entire province. I believe it is the wish of the House that we should send a message of condolence to the members of the bereaved family and before doing that it would, I think, be only proper for the Leader of the House and for the leaders of the other groups to make some references about him.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, it is with a sense of almost unutterable sorrow that I rise to say a few words on this melancholy occasion. The death of Maharaja Sir Manmatha Nath Roy, mourned by all of us, has come to me as a personal loss. I made his acquaintance more than 25 years ago and since then we have been associated in public and private life in ties of the closest friendship and co-operation. I was a member of the Bengal Legislative Council in the days when he was the President and I can bear personal testimony to the tribute which you have paid to his impartiality as a President and to the jealous manner in which he guarded the rights and privileges of the House. I cannot add to what you have said so eloquently but I would only say that his loss came to all of us with terrific suddenness. Only six days before his death I had occasion to meet him and talk to him. He appeared to me to have been in the best of health. No one could have known who had known and met him intimately that his end was so near. Sir, it reminds us of the saying that even in the midst of our life we are in death and that death which comes with such terrific suddenness also has a lesson for us which we should never forget, namely, that we should always be prepared for the end and so to mould our life that we may not have any reason to give occasion to our friends to regret that we have not lived peacefully up to a high standard. So far as the late Maharaja is concerned, he was a man who had very few enemies. He had so many friends that it is impossible for me at the present moment to actually gauge the loss which Bengal has sustained by his sudden death. I join you in the tribute you have paid to his memory and I think it is but fitting that this House should place on record its sense of personal loss and that our sincere condolence be conveyed to the bereaved family.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, I beg to associate myself with what has fallen from you regarding the irreparable loss Bengal has suffered in the unexpected death of Maharaja Bahadur of Santosh. We who are in the Opposition had the privilege of working in the old Bengal Council over which he presided so ably. We always felt that he held the scales even and if at any time there was a leaning shown, it must be admitted that he always gave facilities to the opposition as a President. He belonged to the Liberal school of politics and he always endeared himself to those whom he met and had to work with. We are all aware, Sir, that he was a keen lover of sports. There is hardly anybody who had devoted

himself so whole-heartedly to sports, and who had displayed the sporting spirit like the late Maharaja. Bengal is poorer to-day by the death of a worthy son of this province. All that we can do is to pray that his soul may rest in peace. I wholeheartedly, on behalf of the Opposition, associate myself with what has fallen from you and the Leader of the House.

Mr. W. C. WORDSWORTH: Mr. Speaker, Sir, in the absence of the Leader of this Group I would say a few words on behalf of the Group. Most Europeans who have played any part in public life of recent years reckoned the Maharaja of Santosh among their friends, and there was none, whether he knew him personally or not, but admired his rich and many qualities. Here in this Assembly we think of him chiefly as one who for many years took part in and then ruled our deliberations. As a politician the Maharaja showed himself capable from the first, capable in speech, capable in debate, capable because of his clear and definite views and because of his ability in expressing them. Then came a time when he was elected to the Chair and from that moment he showed wonderful gifts of ruling debate, gifts that made us in that Council proud to be ruled by him, proud to obey his ruling, gifts that have done much to build up the traditions under which we work here to-day. We know, too, of his activity in many other fields to which I shall not refer in detail. He never spared himself. He gave freely from a rich nature to his own generation and to generations to come, and we shall always remember him as a great son of Bengal.

Mr. JATINDRA NATH BASU: Mr. Speaker, Sir, I associate myself with what has fallen from you and the previous speakers on this mournful occasion. The Maharaja of Santosh devoted himself to the service of his people from a very early age. I remember here a speech which he made from the platform of the Congress so long ago as 1900. He was speaking then on the Excise administration of Government. Since then he never stinted in his endeavours to be of service to the public, and he shed lustre on whatever he took up. We had occasion in this House to watch the manner in which he shouldered the duties of a member of this House. He was clear in his expression and he always obeyed the rules of procedure and of the conduct of debate that we desire to see established in this House. When he was elected President he filled that office with dignity and with knowledge. His decisions were prompt and correct, couched in language of dignity. There was hardly an occasion on which there was dissatisfaction with his order. As has been pointed out, he devoted his energies not only to the work of this House but also to other public activities. We have heard of his contribution in the field of sports. It was this hard work which probably broke him down. He seldom knew any respite. The

result has been that we have lost a great and good worker, and we have now to mourn his loss. I wholeheartedly associate myself with what has fallen from you, Sir, and from the other speakers, and I request you to convey our heartfelt condolence to the bereaved family.

Mr. M. SHAMSUDDIN AHMED: Sir, I had not the good fortune, as I was late, to hear what has fallen from you. But so far as I knew the late Maharaja Sir Manmatha Nath Ray Chaudhuri, of Santosh, I knew him to be a perfect gentleman, a keen lover of sports, and one who from his very early days dabbled in politics. When we were students, we saw him taking part in politics under Sir Surendra Nath Banerji. Thereafter we had occasion to enter into the Legislature as members, and there I knew him as President of the old Legislative Council from 1927 to 1930. I found him, Sir, to be a capable President, regulating the debates of the House skilfully and ably. Thereafter when I resigned my seat from the then Council, I had no occasion to know him inside the Legislature. But I knew him to be a perfect gentleman in social life, and as has already been said, till the day he breathed his last he took a very keen interest in sports. I understand, Sir, even on the day before he died he attended a meeting of some Association in which sports were discussed and he took part in the heated discussion, and possibly that caused high blood pressure in him. Sir, we mourn to-day the loss of an able son of Bengal. We might differ in politics from him, but all the same he was a worthy son of Bengal. Sir, I associate myself on behalf of my party with what has fallen from you and the other members of the House, and I hope you will send on behalf of the Assembly a message of condolence to the members of the bereaved family.

Mr. HEM CHANDRA NASKER: Sir, on behalf of my party and myself I express our deep sense of sorrow at the sad demise of the Maharaja of Santosh, the distinguished and illustrious son of Bengal, who made himself prominent in many spheres of public life. I join issue in mourning his loss along with my previous speakers.

Mr. ANUKUL CHANDRA DAS: Sir, I beg to associate myself with what has been said by you as well as by my predecessors regarding the death of the Maharaja Sir Manmatha Nath Ray Chaudhuri, of Santosh. Sir, by his death a towering personality has been removed from Bengal, and it has created a void which will never be filled up. He was the President of the old Legislative Council and he has made a name which will never be forgotten. He was the finest specimen of old landed aristocracy who made their relations with the tenantry so cordial. By his loss not only the zamindars but the tenants also have lost a great friend. The sporting world also has lost a great patron.

We mourn his loss to-day. I express my sincere condolence, and I wish you, Sir, to convey the same, to the members of the bereaved family.

Mr. L. T. MAGUIRE: Sir, I rise to join in the tribute paid by yourself and the other members on this sad occasion. The Maharaja of Santosh was undoubtedly a great figure in Bengal public life. His contributions were varied and generous, both in kind and ability. I knew him particularly as the President of the Council under the old Constitution. By his ability and character he won the esteem and respect of all sections of the community. Bengal has certainly suffered a great loss. We cannot spare men of his calibre and character in our public life to-day.

Mr. SPEAKER: I hope, ladies and gentlemen, you will now kindly rise in your seat to signify your consent to send a message of condolence to the members of the bereaved family.

(All the members having risen in their seats)

Thank you, ladies and gentlemen. Secretary will do the needful.

STARRED QUESTIONS

(to which oral answer was given)

Additional grant for the Free Primary Education Scheme for Mymensingh.

*304. **Mr. MIRZA ABDUL HAFIZ:** Is the Hon'ble Minister in charge of the Education Department considering the desirability of granting an additional amount towards the Free Primary Education Scheme for the district of Mymensingh?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): Out of the additional provision of Rs. 5 lakhs in the current year's budget for the improvement of primary education, a sum of Rs. 2,21,000 has been allotted to the District School Board of Mymensingh.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether any additional amount was allotted to the District School Board of Mymensingh in 1938-39?

The Hon'ble Mr. A. K. FAZLUL HUQ: The District School Board of Mymensingh has been asked to submit more detailed proposals. If more money is required, certainly it will be given.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state whether schools started under the present scheme are sufficient enough to accommodate the total number of students, and if not, are Government ready to start more schools, as demanded by the public?

Mr. SPEAKER: That question does not arise here.

Mr. MONMOHAN DAS: Is the Hon'ble Minister aware that teachers of primary schools in Mymensingh are not getting regularly their monthly salaries for want of funds?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware of that, Sir.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state if this grant is recurring?

The Hon'ble Mr. A. K. FAZLUL HUQ: The budget provision is not recurring, but provision will be made from year to year as necessity arises.

Mr. PROMATHA RANJAN THAKUR: It is understood that out of Rs. 5 lakhs, a sum of Rs. 2,21,000 has been granted to the Mymensingh District School Board. Will the Hon'ble Minister be prepared to grant similar sums to other District School Boards if they put forward a demand for the same?

Mr. SPEAKER: That question does not arise.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state the amount of educational cess that has been realised during the year 1938-39, and also the amount required for the purpose of starting primary schools?

Mr. SPEAKER: What is your question?

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state the amount of educational cess that has been realised during the year 1938-39, and also the amount required for the purpose of starting primary schools?

Mr. SPEAKER: The first portion of your question does not arise. The second portion, however, does arise, viz., what is the amount of money needed for starting primary schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I do not remember the figures. I want notice.

Establishment of Debt Settlement Boards in Siliguri.

*305. **Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that in the Siliguri subdivision of the Darjeeling district no Debt Settlement Boards under the Agricultural Debtors Act have yet been established?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of extending the Agricultural Debtors Act to and establishing Debt Settlement Boards in the subdivision without delay?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) Yes.

(*b*) The extension of the Act will be considered when recommendations to this effect are received from the local officers.

(*c*) Does not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether recommendations have been called for from the local officers?

Mr. SPEAKER: That question has been answered several times before.

Mr. DHIRENDRA NATH DATTA: Sir, the Hon'ble Minister in his answer (*b*) says: "The extension of the Act will be considered when recommendations to this effect are received from the local officers". I want to know whether recommendations have been called for from the local officers.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, it is not necesary to call for recommendations. Whenever a necessity is felt, the local officers do send recommendations for consideration by Government.

Mr. DHIRENDRA NATH DATTA: Do Government consider the desirability of making an enquiry as to whether there is a necessity in the Siliguri subdivision of the district of Darjeeling?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have not been able to follow the question.

Mr. DHIRENDRA NATH DATTA: Do Government consider the desirability of making an enquiry as to whether there is a necessity for giving relief in the Siliguri subdivision of the Darjeeling district?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not think that there is any such necessity at this stage.

Mr. DHIRENDRA NATH DATTA: No necessity?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether it is a fact that Government are averse to extending the operation of the Act unless recommendations from the local authorities are forthcoming?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I think I have answered a large number of questions of exactly this nature, and, perhaps, several from this honourable member, wherein I have stated that the initial steps are to be taken by the local officers.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what makes him think that there is no necessity for establishing debt settlement boards in that subdivision?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If there is any necessity, certainly it will be reported by the local officers, and their recommendations will come to Government for consideration.

Working of Free Primary Education Scheme particularly in Mymensingh.

***306. Khan Bahadur MOHAMMED ALI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that attendance in free primary school has not been made compulsory; and

(*ii*) that the introduction of free primary education in several districts of the province has not had the desired effect?

(*b*) Will the Hon'ble Minister be pleased to state whether there was any appreciable rise in the number of students in the district of Mymensingh after the introduction of the Scheme?

(*c*) If so, to what extent?

(*d*) Will the Hon'ble Minister be pleased to state the number of boys attending primary schools before and after the introduction of the Scheme?

(*e*) What steps, if any, do the Government propose to take to make the primary education compulsory?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Yes.

(*ii*) No.

(*b*) There has been an appreciable rise in the number of students in boys' primary schools.

(*c*) The percentage of increase in the case of boys' schools is 38·9 and of girls' schools ·5.

(*d*) Before introduction the number of boys was 135,046 and after introduction 182,926.

(*e*) Primary education will be made compulsory in areas in which the facilities provided justify compulsion.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state, in view of the fact that the scheme has been successfully introduced in Mymensingh, whether he will consider the desirability of making grants to other districts also?

The Hon'ble Mr. A. K. FAZLUL HUQ: As I have frequently stated in this House, it is impossible to introduce free and compulsory education unless and until the education is made universal. Although we have started the scheme in Mymensingh, we have not yet been able to fill the whole of the district with primary schools. As soon as we have been able to fill the whole district with primary schools, we will certainly consider the question of introducing primary education in other districts.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*b*), will the Hon'ble Minister be pleased to state the reason why there is no corresponding rise in the number of girls in primary schools in the district of Mymensingh?

The Hon'ble Mr. A. K. FAZLUL HUQ: One reason seems to be that in the lowest two classes we have got co-education, which cannot be pursued further beyond the last two classes. Further, we have not been able to introduce separate schools for boys and girls as our

funds do not permit it. It is more or less a question of funds for meeting the needs of the districts. Want of funds does not permit us to extend the operation of the Primary Education Act in the case both of boys and girls beyond a certain stage.

Mr. SANTOSH KUMAR BASU: With reference to answer (*d*), will the Hon'ble Minister be pleased to state, if he is in a position to say it here and now, what is the number of children of school-going age in the various districts?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice. It is really an interesting question.

Khan Sahib HAMIDUDDIN AHMAD: Will the Hon'ble Minister be pleased to state what steps Government propose to take to fill the districts with the necessary number of schools, to introduce free and compulsory primary education?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is more or less in the hands of the District School Boards to push on with the establishment of primary schools.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state, in view of his answer, whether Government are prepared to make additional grants for increasing the number of primary schools in the district of Mymensingh, in addition to what has already been given?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the grants are distributed with reference to the needs of the various districts, and Mymensingh, being the first in the list, will certainly have the lion's share. But I am not in a position at the present moment to say whether Government will be able to meet the demand, but we will do our best.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*e*), will the Hon'ble Minister be pleased to give us some idea of the standard of facilities that justify compulsion?

Mr. SPEAKER: It is too vague a question.

Mr. SYED JALALUDDIN HASHEMY: Sir, in answer (*e*) the Hon'ble Minister says: "Primary education will be made compulsory in areas in which the facilities provided justify compulsion". I want him to give me an idea of the standard of facilities that justify compulsion.

Mr. DHIRENDRA NATH DATTA: May I, Sir, supplement Mr. Hashemy's question? What is the nature of facilities which justify compulsion?

The Hon'ble Mr. A. K. FAZLUL HUQ: I shall try to make my position clear. Sir, I feel, and I am sure that my opinion will be shared by many, that before we can compel a guardian to send his child to school, we ought, in all fairness, to provide for him facilities for giving education free of charge. But so long as there are not a sufficient number of these schools in a particular area, it would be cruel to impose compulsion. As soon as sufficient number of schools come into existence where the boys can go, then it will be time for us to introduce compulsion so that no child of school-going age may be left without education. It is for us to provide the schools first and then to introduce compulsion.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state when compulsory education is likely to be established at least in the district of Mymensingh?

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as Mymensingh is concerned, I can only give an idea: I expect that in the course of a year the whole of the district will be filled with primary schools and after the lapse of a year, the time will come for us to consider the question of introducing compulsion.

Mr. PROMATHA RANJAN THAKUR: With regard to compulsion, will the Hon'ble Minister be pleased to state if he thinks it necessary to take similar steps as in England to enforce compulsion——

Mr. SPEAKER: I do not allow the question of other districts and you are talking of England! So it does not arise.

Clerks in Presidency and Central Circles of the Communications and Works Department.

***307. Mr. ABDUR RASCHID MAHMOOD:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the table a statement showing--

(*i*) the number of clerks in the lower and upper grades serving at present in the Presidency and Central Circles; and

(*ii*) the number of Muhammadans in each grade in each Circle?

(*b*) Will the Hon'ble Minister be pleased to state whether the number of Muhammadans has reached the quota in each of those Circles?

(*c*) Will the Hon'ble Minister be pleased to state the number of vacancies which have occurred there since the issue of the circular for increasing the number of Muhammadan clerks?

(*d*) How many of the said vacancies have been filled up by Muhammadans?

(*e*) Will the Hon'ble Minister be pleased to state the number of clerks in those two Circles who have attained the age of 55 years with the due dates of their retirement from Government service in each case?

(*f*) How many extensions of service have been granted to each of them with reasons for extension in each case?

(*g*) Are the Government considering the desirability of stopping the practice of granting extensions?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) A statement giving the desired information is laid on the table.

(*b*) No.

(*c*) Thirteen in the Presidency Circle and 14 in the Central Circle.

(*d*) Eight in the Presidency Circle and 11 in the Central Circle.

(*e*) and (*f*) Ten clerks in the Presidency Circle have attained the age of 55 years and none in the Central Circle. No question of extending the service of a clerical officer however arises until he has attained the age of 60 years; there is no such officer in the Presidency Circle.

(*g*) Does not arise.

Statement referred to in the reply to clause (a) to starred question No. 307.

	First grade clerks.		Second grade clerks.		Third grade clerks.		Fourth grade clerks.		Subdivisional clerks.		Total.	
	Number of clerks.	Number of Muhammadans.	Number of clerks.	Number of Muhammadans.	Number of clerks	Number of Muhammadans.	Number of clerks.	Number of Muhammadans	Number of clerks.	Number of Muhammadans.	Number of clerks.	Number of Muhammadans.
Clerks employed in the office of the Superintending Engineer, Presidency Circle, and in the Divisional offices attached to the Circle.	1	..	1	..	6	..	32	8	9	4	49	12
Clerks employed in the office of the Superintending Engineer, Central Circle, and in the Divisional offices attached to the Circle.	1	..	1	..	4	..	37	15	9	1	52	16

Appointment of Co-operative Inspectors and Auditors.

*308. **Mr. ABUL HOSSAIN AHMAD:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing separately, district by district, the names of persons appointed direct as—

(*a*) Inspectors and

(*b*) Auditors

of Co-operative Societies in Bengal since the present Ministry came in power?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: A statement is laid on the Library table.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি statement টা মেম্বরদের টেবিলে না রেখে লাইব্রেরী টেবিলে রাখা হয়েছে কেন?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Because it is a very long one.

Subordinate Accounts clerks.

*309. **Babu NARENDRA NARAYAN CHAKRAVARTY:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that there is a cadre under the Subordinate Accounts Service as Passed Accounts clerks with a scale of Rs. 75—5—100?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) by whom these clerks are controlled and financed;

(*ii*) what is the actual number of these clerks and what is the period of service;

(*iii*) what is the qualification of these officers;

(*iv*) did all these clerks serving at present pass the recruiting examination, i.e., Divisional Accountship Examination held by the Auditor-General; and

(*v*) if so, with what result?

(*c*) Is there any Government circular regarding the procedure to be observed in filling up the vacancies of this department?

(*d*) If so, will the Hon'ble Minister be pleased to place a copy of it on the table?

(*e*) How many Hindu clerks have been discharged during 1937-39?

(*f*) How many Hindu clerks have been superseded by persons other than the Hindus?

(*g*) What is their nationality?

(*h*) What is their qualification?

(*i*) What was the period of services of the discharged clerks?

(*j*) Are these posts pensionable?

(*k*) Do these clerks get the benefit of Contributory Provident Fund?

(*l*) If not, why not?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) There is a cadre of Passed Accounts clerks for the Accounts Branch of the Executive Engineers' offices. The scale of pay is Rs. 75—5—100 (old) and Rs. 75—5/2—90 (revised).

(*b*) (*i*) They are paid by the Provincial Government and controlled by the Accountant-General, Bengal, on their behalf.

(*ii*) The total number of these clerks is 37 including 12 temporary or officiating men. Twenty-eight have served for 10 to 15 years and 9 for less than 4 years.

(*iii*) M.A. or M.Sc.	...	3
B.Sc., B.L.	...	1
B.A. and B.Sc.	...	22
B. Com.	...	6
Passed I.A. examination	...	2
Passed Matric examination	...	3
Total	...	37

(*iv*) and (*v*) Yes, they have all passed either the Divisional Accountants' examination or any of its prescribed equivalents.

(*c*) Yes, there are several such circulars.

(*d*) Government are not prepared to furnish copies of circulars issued to their officers.

(*e*) Three, who were appointed in officiating capacities.

(*f*) Five, who were appointed in officiating capacities.

(*g*) Muslim.

(*h*) Four are B.A.'s and 2 have passed the Matric examination.

(*i*) They had rendered non-continuous officiating service for 6, 3 and 2 years, respectively.

(*j*) No, as they were not permanent. The permanent posts in the cadre are pensionable.

(*k*) No.

(*l*) The Contributory Provident Fund Rules do not apply to the cadre of Passed Accounts clerks.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that there has been a Government circular as a result of which the Hindu Officers who have been serving temporarily for a number of years have got to wait for their chance until the requisite quota of Muslim appointments has been reached?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, I think, there is such a circular.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that some of these passed accounts clerks were recruited by the Accountant-General's Department on the distinct understanding that they would be appointed permanently if and when there would be permanent vacancies in the department?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I have no knowledge about the understanding referred to.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in a number of cases the departmental heads had recommended confirmation of these officers and their recommendations have been lying with the Government for a long time?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am not aware if the particular cases referred to by the honourable member were recommended by the heads of the department for confirmation but it is a fact that they were serving in a temporary capacity for some periods, as I have already stated in my reply.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are proposing to compensate these Hindu officers who have suffered as a result of the communal arrangements?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that comparatively junior men—men with less qualifications than some of these senior Hindu officers, who have been serving even before the introduction of the present constitution—have been placed over the heads of these competent Hindu officers and there has been no justification made out in the files of these persons for the same?

Mr. SPEAKER: There are so many questions; will you please put one question at a time?

Dr. NALINAKSHA SANYAL: The Hon'ble Minister received a deputation and I presume that it is within his knowledge that there has been a great injustice done to these men. What is the good of evading the answer?

Mr. SPEAKER: It is not within my knowledge. So will you please put your specific question?

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that there are a number of Hindu officers who had served for a very long period and then were superseded by comparatively junior and less experienced men?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: First of all, I may state that there is no question of evading the answer as alleged by the honourable member. I may also state that I never had the privilege of receiving the deputation which the honourable member mentioned. The new appointments were made in the place of those officers who were serving in a temporary capacity for a number of years. As regards the question whether the new incumbents had lesser or higher qualification in comparison to those who were temporarily employed before them, I am afraid I cannot say off-hand.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the qualifications respectively of each of these Muslim candidates who have been taken on in supersession of the incumbents who had been working there in an officiating capacity?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that there is at least one gentleman who is an M.A. and who had been serving with great credit for more than 10 years, and who had reached the maximum of the scale and who now finds himself subordinated to an ordinary Matriculate?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid I cannot answer that question without notice.

Babu NARENDRA NARAYAN CHAKRABARTY: মন্ত্রীমহাশয় অনুগ্রহ কোরে কি জানাবেন—তিনি যে (*b*) সংখ্যার উত্তরে জানিয়েছেন যে চার জন B. A. এবং দুজন ম্যাট্রিক্ পাশ candidates নেওয়া হোয়েছে তারা কি Divisional Accountship Examination অথবা অন্য কিছু equivalent examination এ উত্তীর্ণ হয়েছেন?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I believe so.

Payment of conveyance and fooding charges, etc., to jurors.

***310. Mr. CHARU CHANDRA ROY:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether it is a fact that the jurors are paid only third class train and steamer fare and no additional sum is paid to meet their cooly, conveyance, fooding and other expenses during the journey?

(*b*) If the answer to (*a*) is in the positive, will the Hon'ble Minister be pleased to state whether the Government contemplate payment as travelling allowance to the jurors to cover journey fare, cooly, fooding, conveyance and other expenses during the journey?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) The allowance is paid according to rule 1 of Notification No. 4666J., dated the 9th June, 1932, which lays down that "A daily allowance of not less than Re. 1 and not more than Rs. 5 which should not exceed the actual travelling expense, for the first day of attendance at Court or when discharged without being chosen to serve as juror or assessor."

Actual travelling expense is interpreted not to include anything on account of food.

(*b*) The matter is under consideration.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state how long will Government take to consider the matter?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: As soon as funds are available they will be distributed.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if the travelling allowance that is granted is adequate in his opinion?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It depends on the judgment of the court. The court has got ample latitude in a matter like this. If my friend will read the answer he will find that the court has the power of assessing and distributing from Re. 1 to Rs. 5. It means that the court has been given full discretion in the matter. In this connection I may tell my friend that these people do not come from a very long distance. Probably when the question is asked in this House the people are under the impression that these jurors and assessors come from a distance of 200 miles, in various sorts of conveyances, but they do not come from such a long distance. If they come from beyond 5 miles they can be paid from Re. 1 to Rs. 5.

Mr. CHARU CHANDRA ROY: সভাপতি মহাশয়, আমার প্রশ্নের উত্তর হয় নাই।

Mr. SPEAKER: What is your question?

Mr. CHARU CHANDRA ROY: প্রশ্নটা হচ্ছে যে জুরিদের রাস্তা খরচ বোলতে ষ্টীমার ভাড়া, ট্রেনভাড়া ছাড়া আর কিছু দেওয়া হয় না—একথা সত্য কি না? মন্ত্রীমহাশয় সে প্রশ্নের উত্তর দেন নাই। তিনি উত্তরটা avoid কোরে অন্য কথা বোলেছেন। আমি জানতে চাই তাদের ষ্টীমার আর ট্রেনভাড়া ছাড়া অন্য কিছু রাস্তা খরচ যেমন কুলিভাড়া, দেওয়া হয় কি না?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: My friend ought to understand that the circular simply says that the district court has the right of giving from Re. 1 to Rs. 5 by way of allowance. In this connection I may say that whenever the jurors appear before a court, they submit their travelling allowance bills to the court, and the court in consideration of those bills assesses the amount which should be paid to the jurors. I do not understand why my friends fail to understand my reply.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state what class of railway and steamer fares these jurors are paid?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: My reply would be the same.

Mr. SPEAKER: He has already said that from the nature of the conveyance used, a juror is paid from Re. 1 to Rs. 5.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to consider the desirability of reviewing this notification and granting a reasonable allowance?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The matter is under consideration.

Mr. RASIK LAL BISWAS: আপনাকে বোলছি Sir, উনি বলেছেন যে we have not understood him যদি না বুঝে থাকি, আমাদেরি দোষ, তা সত্ত্বেও আমি জিজ্ঞাসা করবো—সার্কুলার থাকা সত্ত্বেও জুরিদের III class এর রেলভাড়া আর ষ্টীমারভাড়া ছাড়া আর কিছুই দেওয়া হয় না, এটা সত্য কি না, yes এবং no দ্বারা এর জবাব মন্ত্রীমহাশয় দিতে পারেন কি না?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I want to tell my friend that if the steamer fare is just 2 annas, still the court cannot pay less than Re. 1.

Recruitment of Judges and Magistrates from the Bar.

***311. Mr. AMRITA LAL MONDAL:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state what is the present number of—

(1) District and Sessions Judges,

(2) Judges of the Small Cause Court, Calcutta, and

(3) Presidency Magistrates, including Municipal Magistrates, recruited from the Bar?

(*b*) How many of them are—

(*i*) Hindus,

(*ii*) Muslims,

(*iii*) Scheduled Castes,

(*iv*) Buddhists, and

(*v*) other minorities in those posts?

(*c*) Was any member of the Scheduled Castes or Buddhist community appointed to any of these posts? If so, when?

(*d*) If the answer to (*c*) is in the negative, are the Government considering the desirability of appointing candidates belonging to these communities to those posts, in future vacancies?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) and (*b*) A statement is laid on the table.

(*c*) None of the present incumbents belongs to the Scheduled Castes or Buddhist community.

(*d*) If suitable candidates present themselves their claim will receive sympathetic consideration.

Statement referred to in the reply to clauses (a) and (b) to starred question No. 311.

	(*a*)	(*b*)		
		(*i*)	(*ii*)	(*iii*) to (*v*)
(1) ..	4	2	2	Nil
(2) ..	5	1	4	Nil
(3) ..	3	2	1	Nil

Maulvi AZHAR ALI: With reference to statement (*b*), will the Hon'ble Minister be pleased to state if there are at present two Muhammadan and two Hindu Judges excluding the Chief Judge who is officiating in the High Court?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Probably so.

Public Prosecutors in Calcutta Police Courts.

***312. Khan Sahib MD. SOLAIMAN:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state how many Public Prosecutors are there at the present time in the Calcutta Police Courts?

(*b*) Are they all salaried officers or paid in fees for each case?

(*c*) Will the Government be pleased to state what amount of salary or fees each of them is drawing annually on an average?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) in how many cases private practitioners were engaged by the Government to assist the Public Prosecutor and the Assistant Public Prosecutor;

(*ii*) what amount of fees have been paid by the Government to private practitioners engaged to assist the Public Prosecutor or the Assistant Public Prosecutor;

(*iii*) in how many cases Hindu and Muhammadan lawyers respectively were engaged by the Government in the years 1937 and 1938; and

(*iv*) what amount of money had been paid to Hindu and Muhammadan lawyers respectively by way of fees in such cases during the period?

(*e*) Is the Hon'ble Minister aware that a large number of Muhammadan lawyers with several years' practice are practising in the Police Courts?

(*f*) If so, are the Government considering the desirability of appointing a Muhammadan as third Public Prosecutor for the purpose?

(*g*) Is it in the contemplation of Government to form a panel of lawyers to conduct such cases which had hitherto been given to private practitioners?

(*h*) If so, does the Hon'ble Minister propose including Muhammadan lawyers in the panel?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) In the Calcutta Police Courts there are at present one Public Prosecutor and one Junior Public Prosecutor.

(*b*) Both of them are whole-time salaried officers.

(*c*) The present pay of the Public Prosecutor is Rs. 1,300 a month in the scale of Rs. 1,200—100/2—1,600 and the present pay of the Junior Public Prosecutor is Rs. 1,050 a month in the scale of Rs. 600—600—650—50—1,200.

(*d*) (*i*) By the Government of Bengal—

In 1937—Three cases only.

In 1938—Two cases only.

(*ii*) In 1937—

		Rs.
Babu Kalidas Sen at Rs. 10 a day	...	150
Maulvi M. Azizul Huq at Rs. 17 a day	...	119
Total	...	269

In 1938—

Babu Lalit K. Saha at Rs. 10 a day	...	260
Babu Lalit K. Saha at Rs. 10 a day	...	260
Total	...	520

There was a special Customs Case (Emperor *vs.* Bohitram and others) conducted by the Government of Bengal which started in 1937, and ended in 1938. That case was conducted by outside lawyers (not by the Public Prosecutor or the Junior Public Prosecutor) and the following fees were paid to them for that case:—

	1937.	1938.
	Rs.	Rs.
Babu K. D. Sen ..	731	3,247
Babu S. K. Chatterjee .	440	1,900

(*iii*) In one case in 1937, one Muhammadan lawyer was engaged as junior to Public Prosecutor. In all other cases in 1937 and 1938, Hindu lawyers were engaged.

(*iv*) *Vide* details under (*ii*) above.

(*e*) Only 15 or 16 Muhammadan lawyers practise in the Police Courts.

(*f*) to (*h*) The two Public Prosecutors and the Court Inspectors are enough to conduct all the cases in the Calcutta Police Courts. There is no necessity of a third Public Prosecutor or a panel of pleaders.

Some cases have been conducted by the Government of India under the direction of the Solicitor for that Government. This Government had no concern with these cases.

Mr. ABDUL WAHAB KHAN: Will Government consider the desirability of introducing a panel of pleaders with a certain number of Muslim lawyers?

Mr. SPEAKER: That has been answered.

Realisation of rents of Khas Mahal jotes by the operation of Sunset Law in Chittagong district.

***313. Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that the operation of the provisions of the Sunset Law (Act II of 1859) has been extended by the Board of Revenue to the rents of the Khas Mahal *jotes* bearing *jamas* of Rs. 10 and upwards in the district of Chittagong, with effect from next March?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for taking this method of rent realisation in preference to the usual certificate procedure suspended temporarily?

(*c*) Is it a fact that some *jotedars* submitted a memorial, dated the 22nd January, 1939, to the Hon'ble Chief Minister during his visit to Chittagong praying for—

(*i*) the cancellation of the said order of the Board of Revenue;

(*ii*) the amendment of Public Demands Recovery Act, 1913, by repealing the section which levies 12½ per cent. interest on the arrears of rent; and

(*iii*) the modification of the said Act by reducing the process-fees from annas 12 and Re. 1-4 to annas 8 and annas 12 respectively?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have the Government taken or do they propose to take in the near future in the matter?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) No. It is not under the orders of the Board of Revenue but under the statutory provisions contained in section 11 of Act VII of 1868 that the Collector is now applying the Sale Law to *jotes* in Khas Mahals bearing *jamas* exceeding Rs. 100. Instructions have however been issued by the Board to administer the Sale Law in these cases as leniently as possible.

(*b*) As the certificate procedure is no longer in vogue there is no question of any other procedure being adopted in preference to it. Sale of *jotes*, however, was resorted to even when the certificate procedure was in operation.

(*c*) Yes.

(*d*) As regards the prayer for amendment of the Pubic Demands Recovery Act, it may be pointed out that, by virtue of the recent amendment of the Bengal Tenancy Act, the rate of interest leviable on arrears of rent under section 3 (*6*) of the Public Demands Recovery Act has already been reduced to 6¼ per cent.

The other prayers are still under consideration.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state with reference to answer (*a*), whether the present exclusive operation of Act VII of 1868 is causing greater hardship to the khas mahal *Jotedars* or not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government do not think so.

Site for the Agricultural Farm in Chittagong.

***314. Khan Bahadur Maulvi FAZLUL QUADIR:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Veterinary Department be pleased to state whether any site for the proposed Agricultural Farm in Chittagong has been selected and acquired?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) where is that site and when was it acquired;

(*ii*) whether in selecting the site the local M.L.A.'s were consulted;

(*iii*) what is the area required for the proposed farm;

(*iv*) whether the selected site is within or outside the Municipal area; and

(*v*) whether the selected site is within a village or in an isolated place?

(*c*) If no final selection has yet been made, will the Hon'ble Minister be pleased to state whether he is considering the desirability of consulting the local M.L.A. before the selection of the site?

(*d*) Does the Hon'ble Minister contemplate visiting Chittagong in this connection?

MINISTER in charge of the AGRICULTURE and VETERINARY DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) The site has not yet been selected. Necessary provision for acquisition of land has been made in the budget for 1939-40.

(*b*) (*i*), (*ii*), (*iv*) and (*v*) Do not arise.

(*iii*) About 37 acres.

(*c*) The selection of the site will be done by a Site Selection Committee. The local M.L.A.'s will be at liberty to represent their views to that Committee.

(*d*) No.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether the Site Selection Committee will be directed to consult the local M.L.As.?

The Hon'ble Mr. TAMIZUDDIN KHAN: The local M.L.As., if they like, will be able to represent their views before the Committee.

Extension of Bengal Tenancy Act in the Western Duars Khas Mahals.

***315. Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the Government are considering the desirability of extending the Bengal Tenancy Act in its entirety in the Western Duars Government Khas Mahal, district Jalpaiguri?

(*b*) If the answer to (*a*) be in the negative, what are the reasons?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Government propose to take up the question in connection with Mr. Stuart's report on the Khas Mahal Administration.

(*b*) Does not arise.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state the approximate time by which Mr. Stuart's Report is likely to come up for consideration by this House?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The matter is under consideration and it is very difficult to give any approximate time.

Mr. PROMATHA RANJAN THAKUR: With reference to the whole of the answer given by the Hon'ble Minister, will he be pleased to state what are the circumstances under which a particular area is considered to be fit for the operation of the Bengal Tenancy Act?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the Duars is considered to be undeveloped. It is not developed to that extent as other parts of Bengal where the Bengal Tenancy Act is applicable.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Educational institutions in Chittagong district.

116. Dr. SANAULLAH: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing, thana by thana, for the Chittagong district and for the present time—

(*a*) the total number of—(*i*) high English, and (*ii*) middle English schools, and (*iii*) junior, (*iv*) senior and (*v*) Islamia (recognised and unrecognised) Madrasahs;

(*b*) the (1) number of students and (2) teachers of each institution; and

(*c*) the date and amount of Government grant-in-aid, if any, against the name of each institution?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 116, showing the particulars of High English Schools, Middle English Schools and Madrasahs in the district of Chittagong.

Serial No.	Name of Institution.	Name of thana.	Number of pupils.	Number of teachers.	Date and amount of Government grant-in-aid.		Remarks.
					Date.	Monthly rate.	
1	2	3	4	5	6	7	8
	High English Schools.					Rs.	
1	Chittagong Collegiate ..	Kotwali ..	329	17	1-3-1938	..	Government managed.
2	Chittagong Government Moslem	Ditto ..	368	14		..	Ditto.
3	Dr. Khastagir's Girls' ..	Ditto ..	217	15		..	Ditto.
4	Chittagong Municipal .	Ditto ..	691	25		150	Municipality managed.
5	Chittagong J. M. Sen Institute	Ditto .	420	18		130	
6	Kazem Ali ..	Ditto ..	157	13		130	
7	Pahartali Railway ..	Ditto .	365	15		105	
8	Graduate ..	Ditto ..	242	13		..	Unaided.
9	Nandan Kanan Girls'	Ditto .	310	13		..	Municipal aided.
10	Pathorghata Girls' ..	Ditto ..	250	12		..	Ditto.
11	Mohara ..	Panchlaish ..	147	11		..	Unaided.
12	Shakpura ..	Boalkhali ..	176	12		110	
13	Kadhurkhil ..	Ditto .	193	11		125	
14	Sarwatali ..	Ditto .	185	13		135	
15	Kanungopara ..	Ditto ..	280	13		..	Unaided.
16	Sitakund .	Sitakund ..	202	12		150	
17	Jafarnagar ..	Ditto ..	151	11		..	Unaided.
18	Jahanpur ..	Fatikcheri ..	159	10		..	Ditto.
19	Fatikcheri ..	Ditto ..	185	13		100	
20	Roshangiri ..	Ditto ..	152	11		100	
21	Zorwarganj ..	Mirsarai ..	187	11		110	
22	Durgapur ..	Ditto ..	252	14		..	Unaided.
23	Abu Torab ..	Ditto ..	242	11		100	
24	Hathazari ..	Hathazari ..	226	12		120	
25	Fatehabad ..	Ditto ..	193	13		110	

26	Quaish ..	Ditto ..	132	12		100	
27	Katirhat ..	Ditto ..	192	10		..	Unaided.
28	Raozan ..	Raozan ..	279	13		125	
29	Noapara ..	Ditto ..	216	13		140	
30	Mahamuni ..	Ditto ..	188	12		140	
31	Raozan Arya Mitra ..	Ditto ..	237	11		..	Unaided.
32	Quepara ..	Ditto ..	196	13		..	Ditto.
33	Gahira ..	Ditto ..	174	12		..	Ditto.
34	Amilaish Kanchana Union ..	Satkania .	275	12		100	
35	Satkania ..	Ditto ..	215	12		120	
36	Rangunia ..	Rangunia .	174	11		100	
37	South Raozan	Ditto .	184	12		..	Unaided.
38	Patiya ..	Patiya ..	305	13		110	
39	Patiya Rahatali .	Ditto .	197	12		100	
40	Gasbaria ..	Ditto ..	205	12		100	
41	Dhalghat .	Ditto .	211	12		100	
42	Barama ..	Ditto ..	172	11		.	Unaided.
43	Anwara ..	Anwara ..	186	12		130	
44	Parokora Nayantara ..	Ditto ..	182	10		100	
45	Banskhali ..	Banskhali ..	170	11		100	
46	Banigram .	Ditto ..	189	12		100	
47	Cox's Bazar .	Cox's Bazar ..	230	15		180	
48	Chakaria .	Chakaria .	189	11		125	
	Middle English Schools.						
1	Chittagong Government ..	Kotwali ..	127	5	1-3-1938	.	Government managed.
2	Chandanpura Moslem Girls' ..	Ditto ..	63	4		150	
3	Goshairdenga ..	Double Mooring ..	137	6		45	
4	Colonelhat ..	Ditto .	154	7		50	
5	South Kattali .	Ditto ..	112	6		..	District Board aided.
6	Shikarpur ..	Hathazari ..	88	6		..	Ditto.
7	Nangalmura ..	Ditto ..	99	6		..	Ditto.
8	Mirzapur ..	Ditto ..	96	6		..	Ditto.
9	Bazalia .	Satkania ..	99	7		40	
10	Adhunagar ..	Ditto ..	134	6		45	
11	Amirabad ..	Ditto ..	124	7		..	District Board aided.
12	Karayanagar ..	Ditto ..	100	7		..	Ditto.
13	Kalanzan .	Ditto ..	135	7		.	Ditto.
14	Nalua ..	Ditto ..	96	7		..	Unaided.

Serial No.	Name of Institution.	Name of thana.	Number of pupils.	Number of teachers.	Date and amount of Government grant-in-aid.		Remarks.
					Date.	Monthly rate.	
1	2	3	4	5	6	7	8
						Rs.	
15	Bhatikhine ..	Patiya ..	125	6	1-3-1938	..	District Board aided.
16	Kelisahar ..	Ditto ..	94	6		..	Ditto.
17	Habilashdwip ..	Ditto ..	94	6		..	Ditto.
18	Chakrashala ..	Ditto ..	63	6		..	Ditto.
19	South Bhurshi ..	Ditto ..	162	6		..	Ditto.
20	Chhanara ..	Ditto ..	51	5		..	Ditto.
21	Dohazari ..	Ditto ..	60	6		..	Ditto.
22	Suchia ..	Ditto ..	91	6		..	Ditto.
23	Satbaria ..	Ditto .	84	5		..	District Board managed.
24	Kharandwip ..	Boalkhali ..	120	8		..	Unaided.
25	Gomdandi ..	Ditto ..	113	6		..	District Board aided.
26	Charandwip ..	Ditto ..	209	7		..	Ditto.
27	North Bhurshi ..	Ditto ..	139	7		..	Ditto.
28	Sarwatali George ..	Ditto .	101	6		..	Unaided.
29	Kanangopara Girls' ..	Ditto ..	108	5		..	District Board aided.
30	Rangunia Rashik ..	Rangunia ..	119	6		..	Ditto.
31	Majumderkhil ..	Ditto ..	84	4		..	Ditto.
32	Rajanagar Lalanagar ..	Ditto	60	4		.	Ditto.
33	Nahupur ..	Fatikchari .	154	7		40	
34	Bhujpur ..	Ditto ..	124	6		40	
35	Haidchakya ..	Ditto ..	127	6		..	District Board aided.
36	Baramasia ..	Ditto ..	96	6		..	Ditto.
37	Shahanagar ..	Ditto .	104	6		..	Ditto.
38	Dhurang Jubilee ..	Ditto ..	102	5		..	Unaided.
39	Teriail ..	Sitakand ..	110	7		..	District Board aided.
40	Barabkund ..	Ditto ..	137	7		50	
41	Chhotakumira ..	Ditto ..	70	6		..	Unaided.
42	Ghoramara ..	Ditto ..	86	6		..	District Board aided.
43	Karerhat ..	Mirsarai ..	111	6		45	

44	Azampur	Ditto	85	6		..	District Board aided.
45	Aburhat	Ditto	96	6		..	Ditto.
46	Dhoomgram	Ditto	81	6		..	Unaided.
47	Mahajanhat	Ditto	86	6		..	Ditto.
48	Sarkirhat	Ditto	89	6		..	District Board aided.
49	Kamaralihat	Ditto	60	5		..	Ditto.
50	Mirsarai	Ditto	98	6		..	Ditto.
51	Mithanala	Ditto	92	6		..	Ditto.
52	Mithachhara	Ditto	117	6		40	
53	Mahaish	Ditto	80	6		.	District Board aided.
54	Khaiyachhara	Ditto	75	5		.	Ditto.
55	Madhya Sarta	Raozan	102	6		..	Ditto.
56	Bagkhali	Ditto	105	6		.	Ditto.
57	Guzra Bishewari	Ditto	90	6			Ditto.
58	Andhermanik	Ditto	99	6		..	Ditto.
59	Kadalpur	Ditto	109	6			Ditto.
60	Mohammadpur	Ditto	112	6		..	Ditto.
61	Dabua	Ditto	98	6			Ditto.
62	Garchi	Ditto	90	6		.	Ditto.
63	Sunairmukh	Ditto	80	6			Ditto.
64	Binajuri	Ditto	119	6		40	
65	Kalipur Palgram	Banskhali	118	6		.	District Board aided.
66	Chambal	Ditto	108	6		.	Ditto.
67	Burumchara	Anwara	102	6		.	Ditto.
68	Guzra	Ditto	99	6		.	Ditto.
69	Battali	Ditto	126	6		40	
70	Harbang	Cox's Bazar	70	6			District Board managed.
71	Pekua	Chakaria	71	5		40	
72	Dhurung	Kutubdia	100	6		40	
73	Idgaon	Cax's Bazar	50	4		35	
74	Ramu Vhijuri	Ramu	122	6		65	
75	Kutubdia	Kutubdia	90	6		.	Unaided.
76	Kaiyerbil	Chakaria	86	6		..	District Board aided.
77	Magnama	Ditto	120	6		..	Ditto.
78	Putubila	Mascal	95	6		22-8	
79	Ratnapalong	Ukhia	130	6		50	
80	Dhemsha	Satkania	108	6		..	District Board aided.

Serial No.	Name of Institution.	Name of thana.	Number of pupils.	Number of teachers.	Date and amount of Government grant-in-aid.		Remarks.
					Date.	Monthly rate.	
1	2	3	4	5	6	7	8
	High Madrasahs.					Rs.	
1	Chittagong Government ..	Kotwali ..	203	14	1-3-1938	..	Government managed.
2	Sitakund ..	Sitakund ..	152	11		200	
	Senior Madrasah (Old Type).						
1	Chittagong Darul Ulum ..	Kotwali ..	288	18	1-3-1938	100	
2	Chittagong Darul Hadis ..	Ditto ..	113	7		..	Unaided.
3	Sitakund ..	Sitakund ..	145	9		75	
4	Mirsarai ..	Mirserai ..	115	11		50	
5	Mithachhara ..	Ditto ..	99	10		50	
6	Darogahat (unrecognised) ..	Ditto ..	110	9		..	District Board aided.
7	Aburhat ..	Ditto ..	75	6		..	Unaided.
8	Panchlaish (unrecognised) ..	Panchlaish ..	99	8		..	District Board aided.
9	Hathazari ..	Hathazari ..	345	16		..	Unaided.
10	Fatehpur ..	Ditto ..	135	10		..	Ditto.*
11	Kagatia ..	Raozan ..	75	4		..	Ditto.
12	Ziri ..	Patiya ..	160	10		..	Ditto.
13	Kunjagram ..	Ditto ..	175	9		..	Ditto.
14	Garangia ..	Satkania ..	117	6		50	
15	Chunati ..	Ditto ..	145	12		..	Unaided.
16	Paschimchal ..	Anwara ..	105	9		..	Ditto.
17	Anwarul Ulum ..	Chakaria ..	76	5		50	
18	South Saharbil (unrecognised)	Ditto ..	159	11		..	District Board aided.
19	Idgaon (unrecognised) ..	Cox's Bazar ..	117	8		..	Ditto.
20	Puichhari ..	Banskhali ..	150	8		..	Ditto.
	Junior Old Type Madrasahs.						
1	Garzania ..	Satkania ..	118	6	1-3-1938	..	District Board aided.
2	Barkal ..	Patiya ..	93	3		..	Ditto.

3	Tailardwip ..	Anwara ..	40	3		..	Ditto.
4	Sultanpur ..	Raozan ..	50	3		..	Ditto.
5	Dhurung ..	Kutubdia ..	80	5		..	Ditto.
6	Sharafbhata ..	Rangunia ..	60	4		..	Unaided.
7	Rajapalang ..	Cox's Bazar ..	76	4		..	Ditto.
	Reformed Junior Madrasah.						
1	Yatim Khana* ..	Kotwali ..	42	5	1-3-1938	46	
2	South Patenga ..	Double Mooring ..	100	6		45	
3	Rupkania ..	Satkania ..	112	6		45	
4	Maisamura ..	Ditto ..	123	6		40	
5	Charkhagaria ..	Ditto ..	110	6		45	
6	Maizbhandar ..	Fatikchari ..	134	6		40	
7	Daulatpur ..	Ditto ..	108	6		45	
8	Noapara ..	Raozan ..	105	6		45	
9	Kadhurkhil ..	Boalkhali ..	105	6		45	
10	Mariamnagar ..	Rangunia ..	134	6		40	
11	Sikalbaha ..	Patiya ..	103	6		50	
12	Char Kanai ..	Ditto ..	107	6		45	
13	Haildhar ..	Anwara ..	97	6		45	
14	Sanua ..	Banskhali ..	128	8		65	
15	Pailchari ..	Ditto ..	116	7		50	
16	Madanbibirhat ..	Sitakund ..	109	6		45	
17	Bara Kamaldah ..	Mirsarai ..	92	5			Unaided.
18	Kaiyarbil ..	Cox's Bazar ..	100	6		40	

*Departmental curriculum and list of approved text-books are not followed.

Construction of a bridge over the Cossye river in Midnapore.

117. Mr. DEBENDRA LAL KHAN: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state the reason for the delay in constructing the bridge over the Cossye river in Midnapore, the foundation stone of which was laid some years ago by Sir John Anderson, the then Governor of Bengal?

(*b*) What steps, if any, are the Government proposing to expedite the work?

(*c*) When is it likely to be completed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The foundation stone was laid in November, 1937, before the project was matured, and there has been no undue delay in starting the work on which it is proposed to spend Rs. 2,14,000 in 1939-40. The total estimated expenditure is over eight lakhs and it is hoped that the bridge will be completed about the end of 1941.

Rai HARENDRA NATH CHAUDHURI: When was the work started?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think very recently.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state when the work is going to be finished?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As will appear from my answer just given it is expected to be completed by the end of 1941.

Appeals before Special Appellate Officer, Comilla, against decisions of Debt Settlement Boards.

118. Maulvi MAFIZUDDIN AHMED: Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*a*) the total number of appeals filed before the Special Appellate Officer, Comilla, from the orders, decisions and awards of the Special Debt Settlement Boards and the ordinary Debt Settlement Boards under his jurisdiction since the inception of the establishment of the special Appellate Court under the Bengal Agricultural Debtors Act;

(*b*) the number of appeals filed after the limitation period, viz., 30 days of the orders, decisions and awards appealed against; and

(*c*) the number of appeals up to date—

(*i*) allowed,

(*ii*) dismissed, and

(*iii*) pending?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) 386 up to the 28th February, 1939.

(*b*) 60 up to the 28th February, 1939.

(*c*) (*i*) 35, (*ii*) 73 and (*iii*) 278 up to the 28th February, 1939.

Calcutta-Barisal Trunk Road Scheme.

119. Maulvi MD. MOZAMMEL HUQ: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that for more than half a century there was a demand for a railway connection between Calcutta and Barisal;

(*ii*) that the Government of India abandoned the Railway project on the ground that it would not be remunerative; and

(*iii*) that Mr. A. J. King in his comprehensive report on Road Development in Bengal recommended the construction of a Trunk Road from Calcutta to Barisal?

(*b*) What is the policy followed by the Government in selecting roads for execution out of the Road Development Fund?

(*c*) Is it not a fact—

(*i*) that a number of roads have already been constructed out of the Road Development Fund; and

(*ii*) that nearly half a crore of rupees has accumulated in the provincial share of the Road Development Fund for want of suitable schemes?

(*d*) If the answer to (*c*) (*ii*) is in the affirmative—

(*i*) are the Government considering the desirability of undertaking the construction of a road from Calcutta to Barisal; and

(*ii*) if so, when is the scheme likely to materialise?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) and (*ii*) Yes.

(*iii*) Yes, such a road is recommended by Mr. King along with 33 other similar roads throughout the province.

(*b*) The attention of the hon'ble member is invited to the remarks which I made in this House when replying to the debate on the demand for a grant to meet expenditure on Civil Works during the year 1939-40.

(*c*) (*i*) Yes.

(*ii*) There is approximately half a crore to the credit of Bengal in the Fund, but this has not accumulated for want of suitable schemes. In addition to works in progress, projects, the estimated cost of which amounts to Rs. 1,28,00,000, have been passed by Government and approved by the Government of India.

(*d*) No part of the Calcutta-Barisal Road is included among the schemes already approved. The road will be considered along with others throughout the province in due course.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state the time that is likely to be taken for taking up the scheme for the construction of the road from Calcutta to Barisal?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is impossible to give any idea but I may state for the information of the honourable member that the entire scheme will cost nearly a core and a quarter lakh of rupees.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*c*)(*ii*), will the Hon'ble Minister be pleased to state whether the whole of the estimated cost of Rs. 128 lakhs as stated by the Hon'ble Minister comes from the Road Development Fund? If not, how much will come out of that?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I may inform the honourable member that the question deals with the Petrol fund received from the Government of India.

Mr. ATUL KRISHNA GHOSE: My question has not been answered. The Hon'ble Minister has stated that the total estimated amount up till now for the construction of roads in different parts of Bengal amounts to Rs. 128 lakhs but I would like to know how much has been set apart from the Road Development Fund for these purposes.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: There is only one fund, viz., the Road Development Fund. I do not know what other fund the honourable member is referring to.

Mr. ATUL KRISHNA GHOSE: The Hon'ble Minister has already stated that Rs. 50 lakhs has already accumulated from that Road Development Fund to the share of Bengal. We would like to know how much of that fund has been utilised or has been set apart for the said purposes from that fund?

Mr. SPEAKER: You are not clear, but I have understood you. You want to know, out of Rs. 50 lakhs how much has been set apart for these purposes.

Mr. ATUL KRISHNA GHOSE: Yes.

Mr. SPEAKER: The whole of that is for road construction

Mr. ATUL KRISHNA GHOSE: I would like to know where this Rs. 128 lakhs comes from. I want to know whether a separate Provincial fund has been mixed up with the Road Development Fund and in that case I would like to know how the sanction of the Government of India is required?

Mr. SPEAKER: You are making a confusion between an estimate and an actual. This Rs. 128 lakhs only means an estimate. This has nothing to do with the accumulation of Rs. 50 lakhs.

Mr. ATUL KRISHNA GHOSE: How does the Hon'ble Minister say that the approval of the Government of India was necessary?

Mr. SPEAKER: Because they want to get it all from the Road Fund.

Mr. ATUL KRISHNA GHOSE: Why for this Rs. 128 lakhs?

Mr. SPEAKER: They want to get the sanction of the Government of India for the balance.

Provisions for drinking water, sheds, etc., in the Royal Botanic Gardens.

120. Mr. P. BANERJI: (*a*) Has the attention of the Hon'ble Minister in charge of the Agriculture and Veterinary Department been drawn to the fact—

(*i*) that there is no arrangement for drinking water in the Royal Botanical Gardens for the public;

(*ii*) that no shelter is provided against inclement weather;

(*iii*) that there is no arrangement for lavatories either for the public or for the coolies working in the gardens;

(*iv*) that the condition of the tanks in the Royal Botanical and Eden Gardens, proving hatcheries for mosquitoes; and

(*v*) that there is not sufficient stock of plants for distribution in Bengal and outside?

(*b*) If the answer to (*a*) is in the affirmative, what steps does the Hon'ble Minister propose to take in the matter?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) (*i*) There is one tube well in the garden which supplies drinking water to the public. The question of providing another tube well for the same purpose is under consideration.

(*ii*) There are two rest houses in the gardens where visitors can take shelter.

(*iii*) There are two cloak rooms for visitors which have lavatories, one for males and one for females. The question of constructing new coolie lines with proper latrines is under consideration.

(*iv*) I am aware that the tanks are not in very satisfactory condition. They require re-excavation which will be very costly. The matter is receiving attention.

(*v*) No. I have received no such complaint.

(*b*) Does not arise.

GOVERNMENT BILL.

The Bengal Money-lenders Bill, 1938.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, on the recommendation of His Excellency the Governor, I beg to move that——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Is it necessary to have the previous sanction of the Governor to move a legislative measure?

Mr. SPEAKER: There might be something in the nature of a sanction, which I do not know.

Dr. NALINAKSHA SANYAL: I seek your protection, Sir. If there is nothing why should we go to the Governor for his sanction?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: All right, Sir, I simply move that the Report of the Select Committee on the Bengal Money-lenders Bill——

Mr. SPEAKER: Is it the Report of the Select Committee that you want to be taken into consideration or, is it the entire Bill as reported on by the Select Committee? (Laughter.)

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I beg your pardon, Sir.

I beg to move that the Bengal Money-lenders Bill, 1938, as reported by the Select Committee, be taken into consideration.

I do not think I have to deliver a speech in recommending the motion to you. You are all aware that there is a crying necessity for controlling money-lending in the country. Every one knows that after the introduction of the Reforms and when the franchise has been extended, people have been clamouring for putting some control over the money-lenders. And in order to meet that popular demand, about six months ago, the Bihar Money-lenders Act was passed and is now in operation, restricting the scope of the money-lending business. Other provinces are also trying, as we are trying here, to do so. We brought in a Bill, Sir, and that Bill has been dealt with by the Select Committee, who have made some changes in it. I do not like to deal with all those changes at this stage, but I simply put before you the fact that those changes will have to be reconsidered by the whole House. If after reconsideration by the whole House those changes are amended, I hope there will be a termination of all our difficulties and we may in the course of the next few days finish our labours for the benefit of the poor. I know my friends have moved several amendments to this motion. I do not know whether they will actually and seriously move those motions. But if they do, it will be my duty then to rise and oppose. For the present I appeal to all classes to allow us to pass through the motion for the consideration of this Bill in the full House. And if they would give us an opportunity like that, I do not think there will be any difficulty to any of our friends in the end. If in the end they find that we have actually done wrong to a large section of the people, then at the last stage they will have the right to throw out the entire Bill. But before they would take that step, let them first consider the proposal in its true perspective and see whether a settlement can be arrived at. I appeal to my friends on all sides of the House not to be led away by a scare. Scare comes to the weaker people, but those who are strong in mind—let them face the facts and try to solve the problem and not to shirk the responsibility by not giving the whole House an opportunity of considering the Bill at this initial stage.

Dr. NALINAKSHA SANYAL: May I rise, Sir, to a question of procedure? Before the discussion begins, I want to draw your attention——

Mr. SPEAKER: It would be better for you to raise the point after the House decides to take the Bill into consideration.

Mr. DEBI PROSAD KHAITAN: Mr. Speaker, Sir, I have listened with very rapt attention to the speech of the Hon'ble Nawab Mushrruff Hossain. I have always enjoyed his humorous speeches, and to-day's speech, Sir, I believe, has outdone all his previous humorous speeches. However the opposition that is being put forward against the Money-lenders Bill has been described by him, a business man, as a scare. He has relied on the Province of Bihar for his support. I hope, Sir, the Hon'ble the Judicial Minister is aware of the fact that before the ink on the paper on which that Act was printed was dry several sections of the Bihar Money-lenders Act had already been declared invalid by the High Court.

The next point that the Hon'ble Minister could have borne in mind was that Bihar is not fortunate enough in possessing a city like Calcutta; Bihar is not fortunate enough in possessing that large volume of trade which passes through the chief port of Calcutta and serves not only the Province of Bengal but the whole of India; a port which serves the interior of the vast continent of India in its export trade as well. This distinction could have been borne in mind by the business man Nawab Musharruff Hossain, if not by the Judicial Minister, whose function may be to carry on *post-mortem* examination as in a court of law, and not constructive efforts as business men have got to do. He described, Sir, the amendments made by the Select Committee as "some changes". He forgets in his humorous disposition that what the Select Committee has done is to transform a useful horse, presented by the Government to this House, to a ferocious tiger. (Laughter.) Whether the Select Committee had powers to do it or not is a matter that I shall put forward before you, Sir, for decision, i.e., as to whether the Bill, as amended by the Select Committee, was within its powers to be amended. But before I do that, I propose to refer to the "some changes" that the Select Committee has introduced in this Bill.

Sir, Government, after giving the fullest consideration to the measure in introducing it, proposed, and very rightly proposed, to exclude what we call commercial loans, i.e., loans given for trade, commercial and industrial purposes, from the purview of the Money-lenders Bill—a Bill, Sir, which no longer remains a Money-lenders Bill, but which has become the money-choking Bill in this province. I would ask the Hon'ble Minister, who is in charge of this Bill,

whether agriculture or commerce or industry can be carried on anywhere in the province without the structure of credit remaining in full strength. (Sir GEORGE CAMPBELL: Hear, hear.) I hope, Sir, of all persons, the Hon'ble Nawab Musharruff Hussain will admit from his personal experience of business life that no agriculture, no commerce and no industry can be built up, or carried on, or developed, unless the persons engaged in agriculture, trade, commerce, or industry have the facilities of credit available to them. And what has been done to continue credit facilities to these persons? The first provision that has been made is that on a decree no court shall award interest. Why should, on the face of a provision of this kind, any person lend money to another, if even after decrees are passed no interest is payable? I ask, Sir, every member of this House to lay his hand on his heart and tell me whether any person will be so stupid and foolish as to lend another any amount, be it one pice or even one crore of rupees, if a lender has to go to court of law and get a decree, and no interest is to be awarded on it. But, Sir, the matter does not rest there. In their enthusiasm to kill the money-lender, a further provision has been introduced that the court shall have no power to order realisation of money decrees straight off; the court shall only allow instalments, and not only instalments but instalments without interest for a period which may continue up to 20 years. Sir, as if that was not sufficient murder of credit, the Select Committee has gone one step further than that. Even if an instalment is not paid and the whole amount of the decree be still due, interest will not be due on the instalment, and that the creditor can only take steps for the realisation of the defaulted instalment alone. And by what means? The Select Committee goes further to reply to it—not even arrest, as provided for in the Civil Procedure Code. Even under the existing law, we used to be told that the difficulties of a decree-holder commence after the decree is obtained. Here, Sir, the difficulty of a lender does not begin when he gives a loan; it does not begin when the decree is passed; but continues in full force and with greater strength as time elapses; but he is not provided with any remedy for the purpose of recovering back his dues.

Sir, during the last 20 years of my life, it has been my proud privilege to carry on an agitation in this country for cheapening the money facilities in this country, and here to-day I have got to stand up and oppose the Money-lenders Bill, because I fully realise that what is being done is not to make money cheap but to make it so dear that it will be impossible to obtain it. If you want to make money cheap it is necessary to make recovery easy. Go to Clive Street or wherever you like—it does not matter. Wherever there is good security, wherever there is possibility of easy realisation, there it is that money is cheap. On liquid assets, on good security, when the borrower is able to repay his loan as early as possible, without compelling the

creditor to have recourse to law, there it is that the borrower gets money. You want to make money cheap by introducing such provisions in the Bill that stand in the way of the creditor realising his dues!

Sir, these stringent provisions do not remain with ordinary money suits. They have to be carried over to mortgage suits as well. A mortgagee cannot get his final decree for sale, even on the expiry of six months as provided for in the Civil Procedure Code, but he has to wait for 10 years before he can get his decree for sale.

Sir, these are circumstances which will not only choke up credit but will absolutely make it impossible for anybody to lend money to another, whether he be a poor man or whether he be a rich man, whether his security is good or whether his security is bad.

Sir, the "small changes" that have been made by the Select Committee do not end there. When Government introduced the Bill, they made a provision that the law of *damdupat*, as has been understood hitherto, will apply to arrears of interest also. But what has the Select Committee done? If an account is outstanding for, say, 25 years at the old basic rate of 8 per cent. in the case of secured loans, if a debtor is unable to pay interest even at the rate of 8 per cent. and has paid Rs. 100 as against Rs. 200, not only will he not have to pay further interest, but, under the provisions of this Bill, even the principal of the loan will be wiped off; and this in spite of the fact that when the interest has been reduced, the creditor has had to pay income-tax, super-tax, and has had to pay all the taxes that have been imposed upon him; this in spite of the fact that the interest that has been reduced would necessarily have been spent on the creditor's and his family's maintenance—all these considerations disappearing in their enthusiasm to kill the money-lender and to make it easy for the borrower to prosper in life!

Furthermore, Sir, apart from these retrospective effects regarding other considerations, it is also provided that even if a decree has been passed and accounts adjusted, they are to be re-opened for the purpose of finding out whether interest, more than the rate of interest provided for in the agreement, will exceed the rate provided for in the Bill, and, if so, the creditor will have to fork out the excess that has been paid. This, Sir, in spite of the fact that higher rates of interest have been provided for under the existing law. What does it matter if the agreements were duly entered into under the law as it was in force? They are to be treated as Mussolini said yesterday that printed paper had no value and he would have what he wanted. Similarly, Sir, it is going to be said in this Assembly, what does it matter if an agreement was made under the due provisions of the law, under a law which was

passed not longer ago than 1933. It does not matter if all these contracts are to be set at naught. I have not the time to go into all the difficulties that will present themselves when the Money-lenders Bill is in operation. I would submit to you that the provisions of the Money-lenders Bill, as amended by the Select Committee, are *ultra vires* in several particulars and I would draw your attention to some of these features.

Firstly, as I have already submitted, the Select Committee has exceeded its powers by changing the whole aspect of the Bill,—the fundamental essential principles that were observed by the Government in framing their Bill. If you look at the definition of the word "suit" which was applied in the Bill, as it was introduced by the Government, you will find that this was intended only to apply to future transactions. But by a small change in adding the words "before or" before the word "after", the whole fundamental aspect of the Bill has been transformed. Sir, I would ask when did this House give permission to the Select Committee to introduce that fundamental change in the Bill.

Secondly, Government, when introducing the Bill, excluded from its operation banks, insurance companies, etc., and also excluded from its operation commercial loans as defined in the old clause 2 (*10*) (*f*). Those very salient provisions of the Bill have been removed by the Select Committee. I would ask who gave the Select Committee the permission to remove those very good features of the Bill from it? I submit, Sir, in all earnestness, that the Select Committee had no right to transgress these fundamental features of the Bill as introduced by the Government.

Thirdly, the rule of the *damdupat*: Government as usual, and very wisely, made it applicable only to arrears of interest. The words "arrears of" have been deliberately cut out by the Select Committee. I would again ask you who gave the Select Committee the power to deal a blow so fundamentally at the root of the whole Bill itself? You will further find that new amendments have been introduced contrary to the provisions of the Civil Procedure Code and the Contract Act. About these I shall have occasion again to refer later. But at this stage I am referring to it only to submit that the Select Committee has transgressed all its limits of power when they made these alterations about instalments, about no interest on decree, about no orders after decree, and about reopening any accounts on any ground whatsoever. All these provisions that have been introduced by the Select Committee, I submit, are transgressions of powers which they never had.

I would then go to certain considerations which I consider make certain provisions of the Bill *ultra vires*, and before I come to the actual points themselves, I would make a submission as to how the Government of India Act, as regards the powers vested in the Provincial

Legislature, has to be interpreted. I would first draw your attention to section 100 of the Government of India Act. Sir, the beginning words of all the sub-sections in this section are very important. In section 100, sub-section (*1*), you will find—it begins "notwithstanding anything in the two next succeeding sub-sections the Federal Legislature has and a Provincial Legislature has not the power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act". I would ask you to mark the words "notwithstanding anything in the two next succeeding sub-sections". This means that although the two succeeding sub-sections may appear to confer certain powers on the Provincial Legislature——.

Mr. DHIRENDRA NATH DATTA: On a point of order, Sir. Are you competent to give judgment in such matters?

Mr. SPEAKER: He has raised this point in order to decide the question of competency. I have already pointed out that I am not here to adjudicate upon civil rights. But surely in order to decide whether a motion should be admitted by me or not, a member is perfectly entitled to discuss that question.

Mr. Khaitan, I think, it would be better if you proceed with your new argument after the prayer adjournment.

(The House was then adjourned for 20 minutes.)

(*After adjournment.*)

Mr. DEBI PROSAD KHAITAN: Sir, just before the adjournment, I was referring you to section 100 of the Government of India Act. Sub-section (*1*) of that section lays down—"Notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature has, and a Provincial Legislature has not, the power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act". The words "notwithstanding anything in the two next succeeding sub-sections" mean that although apparently the Provincial Legislature may have powers to legislate in regard to certain matters, it has not the powers if there is overlapping between List I and List II or between List I and List III. In that event because of the words "notwithstanding anything in the next two succeeding sub-sections" it is only the Federal Legislature that has the power to pass legislation in respect of those matters. The matter becomes quite clear when you refer to sub-section (*3*) of that section. Subject to the two preceding sub-sections, the Provincial Legislature has, and the Federal Legislature has not, power to make laws for a Province or any part thereof with respect to any of the

matters enumerated in List II of the said schedule. The existence of the words "subject to the two preceding sub-sections" necessarily means that if any matter is included in any of the items in List I, it is only the Federal Legislature that has power to legislate and not the Provincial Legislature.

Before I go on to the substance of my argument I would refer you to a judgment of Chief Justice Isaacs which is quoted in M. Ramaswamy's book on the "Law of the Indian Constitution" at pages 210 and 211. I am reading this passage, Sir, because the matter cannot be put in a clearer manner than in the judgment of Chief Justice Isaacs. At the bottom of page 210 of that book it is said "In Australian Boot Trade Employees' Federation *versus* Whybrow and others, Chief Justice Isaacs said: "The case is quite different when it is found that a given power though fully and completely exercised and enforced is not effectual to attain all the results desired or expected. The matter is then one for the consideration of the authority in whom resides the right of granting a power more extensive." In this case, Sir, it is the Parliament who has the power to grant a power more extensive.

Mr. AHMED HOSAIN: I rise on a point of order. At this stage I do not understand how can there be a general discussion without a motion for recommittal or some such thing. The Bill has been presented to us in the form of a Select Committee report and the Hon'ble Minister has moved that it be taken into consideration. After that, according to section 63 either the Hon'ble Minister can move that it be recommitted or a member of the House can move that it be recommitted and on that motion alone can there be a discussion.

Mr. SPEAKER: Can he not talk of consideration itself?

Mr. AHMED HOSAIN: Not at this stage. I think here sections 52, 55 and 57 apply.

Mr. SPEAKER: I think you are absolutely under a misapprehension. We have got not merely the other motions which will be moved but the main motion itself and it is open to any member not to move an amendment but to attack the main motion, and also to raise certain points of order which Mr. Khaitan is now raising. He is quite in order.

Mr. DEBI PROSAD KHAITAN: At the top of page 211 of that book Chief Justice Isaacs said "the matter is one for the consideration of the authority in whom resides the right of granting power more extensive. It is not open to the grantee of the power actually bestowed

to add to its efficacy, as it is called, by some further means outside the limits of the power conferred for the purpose of more effectively coping with the evils intended to be met. Where an instrument of expressly limited length or nature is designated for use but found in practice insufficient to reach the point intended, then however just and desirable such a course may appear to those whose duty it is to employ that instrument, there is no legal principle which warrants its lengthening or transformation merely because the expected result has not been achieved. Where both the end and the means are strictly marked out, there is no right either to use other means to attain the specified end or to use the specified means for unauthorised ends. The authority must be taken as it is created, taken to the full but not exceeded. In other words, in the absence of express statements to the contrary you may complement but you may not supplement a granted power". I could not use better words than these to explain to this House the limitation of its own powers.

I would refer you to the Seventh Schedule, List I, item 28. The same Schedule to the Government of India Act, List I, item 28, refers to cheques, bills of exchange, promissory notes and other like instruments. If words can be clear at all they are clear here that legislation about promissory notes can only be passed by the Central Legislature. There is no limitation of the powers of the Central Legislature about legislating in respect of promissory notes. By no stretch of language can promissory notes be brought under the words "money-lenders and money-lending". If a transaction is based upon a negotiable instrument, the regulation of this negotiable instrument, can only be done by the Central Legislature and not by the Provincial Legislature. But what has been done in this Bill? If you refer to clause 2 (*10*) (*e*) you find an advance made on the basis of the negotiable instrument as defined in the Negotiable Instruments Act of 1881, other than a promissory note. Why the framers of the Bill have fought shy of including the *hundis* and also bringing it within the scope of the Bill and what authority had they to include promissory notes within the purview of this most mischievous measure?

Sir, it may be contended, as I fear it will be, that, unless promissory notes are brought within the purview of this Bill, money-lending transactions may be carried on by means of promissory notes only, and then the very object of this measure might be defeated. But, Sir, Parliament, conferring powers of legislation on the Provincial Legislatures, must have fully considered the reasons why they should reserve promissory notes for Central legislation whilst money-lending and money-lenders are left to the Provincial Legislatures. I have already referred you to the words in section 100(*1*) of the Government of India Act. Whatever the reasons be, whatever the results be, so long as Parliament does not amend the Government of India Act and permit legislation of promissory notes by the Provincial Legislature,

so long, Sir, the Provincial Legislature can have no right to pass any legislation affecting promissory notes. Sir, if a loan is advanced on the basis of a promissory note, and if the suit be on the basis of the promissory note, that suit must be governed by legislation passed by the Central Legislature. But in case a lender files a suit on the original loan and does not base his claim on the promissory note itself, there may be some justification to say that the money-lending transaction although covered by a separate promissory note, can be brought within the purview of legislation by a Provincial Legislature. But in so far as promissory note is affected by provincial legislation, I submit, Sir, with the utmost emphasis that I can command that this House has no right to pass any legislation in regard thereto, and I would submit, Sir, that you, as Speaker and as the custodian of the rights of this House, who has also to guard against this House exceeding its proper limits, will prevent this House from doing so, and you will not allow any legislation covering promissory notes to be even considered by this House.

Then, Sir, I would refer you to item 33 of List I, Schedule VII of the Government of India Act. Item 33 says "Corporations, that is to say the incorporation regulation"—and I am laying my emphasis on the word 'regulation'—"and winding up of trading corporations including banking, insurance and financial corporations but not including corporations owned or controlled by a Federated State and carrying on business only within that State, etc."

Sir, the regulation of corporations, of trading corporations, including banking, insurance and financial corporations, is left to the Central Legislature. I would now draw your attention, Sir, to what is the meaning of the word "regulation". It has been held by the Calcutta High Court as will be found in 64 Calcutta Law Journal.

Mr. SPEAKER: Is that the Bijni Succession case?

Mr. DEBI PROSAD KHAITAN: The name of the case is Kumar Punyendra Narain Deb *versus* Kumar Jogendra Narain Deb. (A VOICE: That is the Bijni Succession case.) All that I am connected with in this judgment is the meaning of the word "regulation". The relevant sentence begins at page 242. "To take up the 4th point before the 3rd Mr. Das's contention is based upon the meaning he seeks to attach to the word 'regulating' in clause (*e*) of section 80A(*3*), that is the old Government of India Act. He has argued that the word 'regulate' does not mean 'enact' but means 'adjust'—a very peculiar view to take. The Court below has illustrated this contention as being of this nature. If there is a legislation by the Indian Legislature on a Central subject, a Provincial Legislature in regulating that Central subject may only frame rules for adjusting that legislation to suit the

particular province. Such an extreme position has been repudiated by Mr. Das and rightly enough for the words of the sub-section are 'make any law regulating a Central subject'. He contends nevertheless that 'regulating' means adjusting so that if there is a legislation by the Indian Legislature on a Central subject that legislation may be varied." Sir, I would go on to show to you what is meant by the word "regulate". "It is clear that when the Indian Legislature makes an enactment, such enactment can hardly, if ever, be an enactment adjusting a pre-existing provincial legislation to the whole of British India according to the local conditions and needs thereof. Mr. Das has relied for this meaning upon the decision of this Court in the case of Mathura Mohan Saha *versus* Ram Kumar Saha. We are unable to see anything in that decision which supports such a meaning. On the other hand, in that case, the Oxford Dictionary meaning of 'regulate' was referred to". Now the Oxford Dictionary meaning is given: "to control, govern, direct by rules or regulations, to subject to guidance or restriction, to adopt to circumstances and surroundings." (A VOICE: Is there no time-limit?)

Mr. SPEAKER: Since he is really opposing the whole Bill I would regulate it after he has finished.

Mr. DEBI PROSAD KHAITAN: Then it goes on to say "to control by legislation, to subject to guidance, by creating a law are meanings which would be covered by this definition; and we see no reason why such a meaning should not be given." Sir, that is ample authority, if authority were needed, for the proposition that this Bill which has been proposed by Government to be enacted by this House will regulate the trading corporations, that this measure which has been proposed by the Government to be enacted into law will regulate trading corporations including banking, insurance and financial corporations. It may be contended that the word "regulation" does not include those actions which this Bill contemplates. Sir, if you refer to the Indian Companies Act you will find that regulations of companies even of money-lending transactions by Managing Agents to Companies and by Companies to Managing Agents in regard to the purchase of debentures issued by the sister companies money-lending transactions of that kind had found a place in the Indian Companies Act. Sir, either the Central Legislature had no power to enact the Indian Companies Act or this Provincial Legislature has no power to enact this Money-Lenders Bill in so far as it affects trading corporations. But, Sir, it cannot be contended that the Indian Companies Act has been *ultra vires* or would be *ultra vires* of the Central Legislature. Sir, if the Indian Companies Act is *intra vires* of the Central Legislature, this House has no right to regulate trading corporations. If it

is intended, Sir, that the money-lending transactions of trading corporations should be brought within the purview of this House, the only course that seems to me to be open is for this House to request the Central Legislature to pass an enabling Act conferring the rights on this House to regulate transactions by the Central Legislature. But, Sir, whether any remedy is available to us or not, my contention is that under the law, as it stands, this House has no right whatsoever in any way to regulate the transactions of trading corporations, within the meaning of item 33 of List I of Schedule VII of the Government of India Act. Sir, if you go further, you will find what impossible encroachments have been made upon the Central Legislative List by the members of the Select Committee. You will only have to refer to item 38 of List I of that Schedule which says clearly, "Banking, that is to say the conduct of banking business by corporations other than corporations owned or controlled by a Federated State and carrying on business only within that State."

Sir, can it be contended by any stretch of imagination that this is not conduct of banking business of corporations? I submit, Sir, that nobody in his senses can contend that this is not conduct of banking business, and if it is, surely this House has no power to pass any legislation affecting banks which are corporations. I would then refer you, Sir, to section 299 (3) of the Government of India Act. Section 299 (3) says—"No Bill or amendment making provision for the transference to public ownership of any land"—and the relevant words, Sir, now follow—"or for the extinguishment or modification of rights therein"—that is in land—"including rights or privileges in respect of land revenue, shall be introduced or moved in either chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion, or in a chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion". Sir, this Bill which has been put before this House clearly affects mortgages created over land. It clearly affects the rates of interest that have been agreed to be paid under mortgages. It affects the right of recovery, it affects existing mortgages in so many different manners which he who runs through the Bill may understand, and the previous sanction of the Governor having not been obtained——(The Hon'ble Mr. H. S. SUHRAWARDY: Having been obtained.) Mr. Suhrawardy interrupts me saying "it having been obtained". I do not know, Sir, when it was obtained, but I am positive that when this Bill was originally introduced by the Government the previous sanction of the Governor had not been obtained. Let my learned friend Mr. Suhrawardy give us the date of the sanction which has been obtained from the Governor——

The Hon'ble Mr. NALINI RANJAN SARKER: It is not necessary to get the Governor's sanction at the time of introduction.

Mr. DEBI PROSAD KHAITAN: It is necessary to get the Governor's sanction at the time of the introduction. The Instrument of Instructions cannot modify the Government of India Act. The Instrument of Instructions themselves would be *ultra vires* if they go in contravention of the Government of India Act. The Government of India Act expressly says that no Bill or amendment shall be introduced or modified without the previous sanction of the Governor in his discretion. Sir, when this point was raised before this House, it was never contended that the sanction of the Governor has been obtained; and to-day for the first time I am being told that the sanction of the Governor has been obtained. I submit, Sir, that the sanction has been obtained too late, if at all——

The Hon'ble Mr. A. K. FAZLUL HUQ: Forget, forget that.

Mr. DEBI PROSAD KHAITAN: Forget what, Mr. Chief Minister? Forget that the sanction of the Governor has not been obtained? If the sanction had been obtained at any time after the original introduction of this Bill which affects mortgages, as it originally stood, I submit that the sanction has been obtained too late. I would then submit, Sir, that several provisions of this Bill go in contravention of the Civil Procedure Code, the Contract Act, etc. (A VOICE FROM THE CONGRESS BENCH: They can make it already.) But they have to make it already before it becomes valid. I would refer you, Sir, to section 107 (*1*), viz., if any provision of a provincial law is repugnant to any provision of a Federal Law or to any provision of any existing Indian Law with respect to one of the matters enumerated in the Concurrent Legislative List, then, subject to the provisions of this section, the Federal Law, whether passed before or after the Provincial Law, or, as the case may be, the existing Indian Law, shall prevail and the Provincial Law shall, to the extent of the repugnancy, be void. It will be said, Sir, that a subsequent assent of the Governor-General will cure the defect. But what I am pointing out at this stage is that unless they obtain the sanction of the Governor-General later on, that portion of the law will not be valid.

Sir, I would not take up more of your time, but I would request you to give us your ruling as to whether the Select Committee have not in many aspects exceeded their powers; and secondly, Sir, whether the provisions of the Bill in regard to the points that I have put forward before you are not *ultra vires* of the Provincial Legislature.

Sir, before I sit down, I have only one more remark to make. Let Government seriously consider before they go on with this measure as to whether they will be doing any real good to the province by getting this law enacted. I hope it is not their intention to choke all the channels of credit. They will not thereby be rendering good

either to the agriculturists or to the traders or industrialists that are at present carrying on their business or may hereafter intend to carry on their business. Let the Government seriously consider that the misery of unemployment in this province is very big and without the development of trade and industries the problem of unemployment cannot be solved. And trade and industries cannot come into existence and cannot certainly flourish unless credit is made cheap, loans are made easily recoverable, and the channels of credit are allowed to flow smoothly and with as much rapidity as possible. Everywhere in the world, Sir, countries are clamouring for more and more credit to develop themselves, but here we are choking every channel of credit we have had, choking every channel of credit we may possibly have in future, simply by giving our attention to rendering some temporary relief in regard to debts which are existing at the present moment. Let our vision be not blurred. Let us bear in mind the ultimate good of the province and devise a measure which, while giving relief to the borrowers to a reasonable extent, will not choke all the credit that is needed for the purpose of carrying on the business of the province.

Sir, in the beginning of my speech I have said that a useful horse has been converted into a ferocious tiger. Let us kill a ferocious tiger that comes in our way, but let us not be killed by the tiger. Let us remember that it is sport when man kills a tiger, but it is ferocity when a tiger kills a man.

Khan Sahib HAMIDUDDIN AHMAD: Mr. Speaker, Sir, in discussing the merits of the proposed amendments of the Bengal Money-lenders Bill one cannot forget the series of correspondences that appeared in a section of the newspapers for the last few weeks.

The main arguments in the Press—and here advanced—against the proposed amendment may be broadly summarised, firstly, killing of rural credit, and, secondly, that the Bill encroaches on some provisions of the Government of India Act, and expropriation of other's right.

It must be remembered, Sir, that the tyranny of the Bengal money-lenders, though it dates from about the time of the Permanent Settlement, which crippled the resources of the agriculturists, was officially recognized as far back as in 1918, when the Usurious Loans Act was placed on the statute-book.

That was a time when the interest of the agriculturists was looked after by people who, with very few honourable exceptions, were not closely acquainted with the conditions of the poor peasantry and consequently had no genuine sympathy for them.

The Act, I mean the Act of 1918, ought to have included in itself all the provisions that are now proposed to be made, because the economic conditions of the agriculturists justified such measures about two decades back.

It is a pity that nobody realized the hastening decay of the masses due to the exploitation of the money-lenders—both individual and corporate.

The sad plight of the dumb millions arrested the attention of public men again in 1933, when the Bengal Money-lenders Act was passed into law.

In this connexion, I cannot resist saying that your name, Mr. Speaker, will go down to posterity as one of the greatest benefactors of the suffering masses who have been fleeced and bled white by systematic and uninterrupted inhuman campaign of usury against the illiterate and unsophisticated peasants for initiating the bold measure in 1933, so needed for the economic uplift of the country.

It is still fresh in our memory, Sir, that most of the beneficial provisions incorporated in the original Bill had to be given the go-by in the intermediate stage and during the passing of the Bill in the last Council.

The same section of the people's representative, as they call it, that stood in the way of the much-needed provisions at that time, is playing the old game this time too.

If the sponsor of the Act could fight out against odds in order to gain every inch of ground, I do not see any reason why we, the representatives of rural Bengal, more precisely of the peasantry, who are in for a better position in the legislature than before in the matter of numerical strength should not be able to carry the measure, which we all sincerely believe to be in the best interest of the people, to a successful victory.

We have heard much, Sir, of the killing of rural credit.

It is said, as it was said before, and, I believe, will be said for times to come by the same section of the people who profess to be the sole leaders of the country and the representatives of the people, but, in fact, in thought, and in action, they represent the capitalists and the landlords.

Sir, I do not understand what rural credit really means.

Had the Bengal agriculturist ever had any credit at all? I say an emphatic "No", and, therefore, they are not going to lose anything.

It was the excessive rate of interest as well as compound interest with monthly rests and the thirst for the fertile lands in possession

of the agriculturists that were responsible for making the agriculturists attractive to the Shylocks of Bengal, who posed to be sympathisers and benefactors of their neighbours, patted them on the back, and allured them into the spider's net.

If the agriculturists had any credit, they ought to have got money from their rich and well-to-do neighbours and countrymen at a fair rate of interest.

The so-called credit has ruined them altogether, has sent a large number to the jungles of Assam and has turned many a place into deserted village.

On the contrary, the so-called credit of the agriculturists has increased the wealth of the *mahajans* by leaps and bounds, so much so that like Aladin's lamp, palaces have been built overnight where humble huts existed.

It is a patent fact that there is no business so lucrative and sure as that of money-lending. I, therefore, repeat that the agriculturists had no credit at all in the true sense of the term.

If it can be called credit at all, it was the credit of the money-lenders, who credited a huge amount to their account for a small advance within a very short space of time.

The individual money-lenders and the so-called corporate *mahajans*, viz., the loan companies, advanced money unscrupulously, actuated by greed alone and without considering the repaying capacity of the debtors.

They had no mind, and no need, and no intention to help or save one when in distress, but like an unscrupulous physician administered slow poison, taking advantage of their distress and reliance on their wealthier neighbours.

Can anybody imagine the amount of the unearned increment that has come to the pockets of the money-lenders and loan offices?

Can anybody with a patriotic feeling and sense of national prosperity justify such a huge profit that went to the coffers of the money-lenders?

Was it or was it not in the best interests of the people?

Sir, the provisions of the Government of India Act have been dragged in into this discussion and members have pleaded that they constitute a weapon against the proposed amendments.

I know, Sir, that objections on technical grounds—technical law—are always resorted to when the facts do not support a case, but to me who has a mind to do substantial justice facts are more appealing.

We have seen that the facts already stated more than justify an amendment of the Money-lenders Act in the way proposed.

The Act, I mean the Act of 1918, ought to have included in itself all the provisions that are now proposed to be made, because the economic conditions of the agriculturists justified such measures about two decades back.

It is a pity that nobody realized the hastening decay of the masses due to the exploitation of the money-lenders—both individual and corporate.

The sad plight of the dumb millions arrested the attention of public men again in 1933, when the Bengal Money-lenders Act was passed into law.

In this connexion, I cannot resist saying that your name, Mr. Speaker, will go down to posterity as one of the greatest benefactors of the suffering masses who have been fleeced and bled white by systematic and uninterrupted inhuman campaign of usury against the illiterate and unsophisticated peasants for initiating the bold measure in 1933, so needed for the economic uplift of the country.

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The same section of the people's representative, as they call it, that stood in the way of the much-needed provisions at that time, is playing the old game this time too.

If the sponsor of the Act could fight out against odds in order to gain every inch of ground, I do not see any reason why we, the representatives of rural Bengal, more precisely of the peasantry, who are in for a better position in the legislature than before in the matter of numerical strength should not be able to carry the measure, which we all sincerely believe to be in the best interest of the people, to a successful victory.

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It was the excessive rate of interest as well as compound interest with monthly rests and the thirst for the fertile lands in possession

matter of great importance that we have decided to oppose this Bill. I would ask the House to regard this as pointing to a moral, though I despair of ever persuading the House to regard us as adorning a tale.

We have a number of notes of dissent: nearly every man who sat on the Select Committee has dissented from what he put his signature to. I think that is a matter of great importance. The amendments are far too numerous for us to grasp without long study. This group and many others have thought that the Bill ought to go back to the Select Committee for reconsideration——

Mr. SHAMSUDDIN AHMED: Again?

Mr. W. C. WORDSWORTH: That there are so many amendments to this effect is admirable, in my opinion. What was needed to make it perfect was a similar amendment signed by 30, 40 or 50 members of the groups who support Government. Perhaps they will repair that omission and make good the defect when we come to a division. The one thing that no one either in the Select Committee or outside seems to have quarrelled with is the title, and yet the title of the Bill is contrary to our practice, and contrary to legislative practice. Let me illustrate by comparison: We have a Bengal Children Act in this province, but when the Act came into operation, the children did not go out of existence. Children and Act can and do co-exist. But when this Bill comes into operation, money-lenders will go out of existence. What I wish to emphasise, the point I wished to make throughout, is this: that the Bill, if it had its proper title would not be the Money-Lenders Bill, nor the Abolition of Money-Lenders' Bill but a Bill for the abolition of credit and therefore of borrowers. And that is the point of view from which we should regard it. Mr. Khaitan has considered the matter from one point of view; many of us prefer to consider it from another point of view. Some members of the Select Committee have been quite consistent. We can gather from their Notes of Dissent that money-lenders and lending and borrowing are not at all necessary, that Bengal can get on without them and the sooner we sweep all these out of our economic life, the better for the province, the better for the health and soul of every man in it. That is a point of view that we cannot accept. For the obvious fact is that people do borrow and people will borrow, that we have had within the last fortnight or three weeks complaints in this House that the poor people cannot borrow, that credit is drying up and that the money-lenders are not coming forward because of this Act and that. The trouble is that many in this House and outside think that lending and borrowing are two separate activities. They have not been brought up to see that they are only two aspects of the one activity, that if you have borrowers, you must have lenders: if you have lenders, you must have borrowers. I know it is difficult. I

remember once reading in a newspaper article that children are so competent in this world and parents so unnecessary that we should abolish parents and hand the world over to the children. And somebody, who was a retired member, I think, of one of the Imperial Services, wrote to say that he had never seen so ridiculous a thing in his life. If they did away with parents there could be no children! We might apply that point of view to our economic life.

Lending and borrowing are activity, and noe of us can say that this activity is not necessary for the maintenance of the economic life of Bengal. We have a province consisting mainly of peasants. They labour during harvest time and between harvests they have a long time when men, women and children have to be fed, seeds to be bought, and rent to be paid. The peasant has no savings out of which he can do these himself. How then are the peasant and his wife to live if there is no source from which he can get the temporary help that he wants? We have been told that credit is drying up. I, as a humble worker in the field of co-operative credit, have on occasion put my views before you, I have put my views before Government, and I may say that recently the Directors of the Bengal Co-operative Bank formally put in a representation to Government that this Bill, if it goes through and becomes an Act in the terms as they stand before us, will give a death-blow to co-operative credit in Bengal Let us think of lenders and borrowers as merely the convex and concave of a curve. None of us is so poor a mathematician as to imagine that he can modify or obliterate the convex of a curve and leave the concave unaffected. Yet that is what we think we can do in our economic activity. A great deal of argument can sometimes be summed up in a short parable. I, therefore, make bold to tell the House of a very little story about a man who injured his face and could not get it healed. Some weeks later, a drug-manufacturing company heard that he had been using one of its preparations and wrote to him for a testimonial. He sent one. It said: —

"Dear Sirs,

I recently damaged my face badly and the flesh got poisoned. No medical treatment was of any avail. I could find nothing that would have any effect. Someone told me of your skin-healing preparation. I have used it for three weeks. I have used only two bottles and the result has been remarkable. The injury is still there. But the face himself has entirely disappeared. (Laughter.)

This Bill will entirely obliterate some things that we want to keep, some things without which we cannot live; and the greatest of these is credit. The peasant must have his credit. Let us put on one side, as often as we can, the ugly word "money-lender" with all the implications that have grown round it. Let us think of the peasant and

the credit he wants. He naturally desires to keep himself alive and to keep his wife and children alive between harvests. What I am saying is, I am sure, not the view of this Group alone. Study the Notes of Dissent, a note from almost every member, and in a footnote it is implied that Government is expecting Notes of Dissent from the three members who have not yet signed. There is besides an important note from the representatives of banks who discussed and examined this measure for the Chambers of Commerce. I would ask you again to remember what has been said in this House and outside by men who know about the position into which co-operative credit has been manoeuvred by various measures that we and others have been dealing with.

Lastly, let me ask you to think a little along first principles. A man who uses another's money, or land, or house, or cart, or boat expects and is expected to pay rent for the privilege. Again, the peasant, I repeat, must live between harvests and someone must help him to live. We know the faults of money-lenders, but it is not necessary to assume that they are all sharks, tyrants, grinders of the face of the poor. Every country has its literature about them. Every country has its memories and its jests about them. May I mention how in England they educated the people into a proper defence against them? There was a well-known humourist who had a song, and he sang it before the King and the Queen to show how the poor live. In the song he tells how he went to borrow £400 from a money-lender to build a large house. The money-lender put £400 on the table and made him sign a receipt for £400. When he commenced to pick up the money, the money-lender said "Wait a minute." Then the money-lender first of all picked up part of the money and said "that is the first year's repayment of the capital". Then he picked up more money and said "that is the first year's repayment of interest". Then he picked up some more money and said "that is the guarantee for the payment of the second year's interest". Then some more and said "that is the first year's charge for your security bond". Thus he picked up sum after sum and finally, says the song, "I took my two pound ten and went away to build my little House." I suggest that that sort of thing is a better defence against any iniquity on the part of the money-lender than many of the rigorous clauses which we have here. If our Minister, who is a great humourist, can construct a few songs for use in country districts and get them sung at festivals, I think the people at large will be better defended against the wiles and evils of the money-lenders than by this Bill as it is.

Finally, may I say one thing? The study of economic history shows in every country that you must be very careful in your legislation against money-lending evils because every

time you try to check the money-lender, if you are careless, you may make things worse. Even laws which reduce the rate of interest have generally the effect of tending to raise the rate of interest, because everyone is a further handicap on the money-lender and the money-lender expects the public at large to compensate him for every additional handicap.

I would refer only to one other matter. I do not know why the Select Committee has dealt with compound interest and the principle of *damdupat* in the way it has, nor has my friend Mr. Morgan been able to enlighten me. It is a difficult matter, this compound interest. I remember in my study of these things some years ago, I came across in the legislation of another province either in a clause of an act or in some comment on it, the statement that all interest that is difficult to calculate shall be deemed to be compound interest. Compound interest is difficult and I have been wondering (my past experience always comes thrusting into my mind) whether some members of the Select Committee eliminated it from consideration because they have small boys who are worried about it in their arithmatic at school and have commanded their fathers to do something about it

My last word is that money-lending is a business, a business that itself tends to become an unfair business, so it is right that a legislature and a Government and everybody in authority should use its power, its ability, its vigilance to see that what we may call a natural tendency to unfairness is not allowed to develop. For the rest, we cannot do without lending. A village cannot do without some sources where it can get credit in great need, and those sources in our villages are co-operative credit societies, which depend upon the local people for their capital, and money-lenders (call them what you will) We should remember that the villager in India has kept himself going for century after century by using the money-lender at his need and making him an instrument of his own welfare. That is what we want to do with this legislation. If we can improve this Bill for this purpose, I am sure that Government will have the full support of everyone in the House in that attempt. As the Bill has come to us from the Select Committee there are many in this House who feel that it will be disastrous, disastrous especially to those whom we are anxious to help.

Khan Bahadur Maulvi JALALUDDIN AHMAD: I rise with diffidence after the interesting speech of the member who spoke before me. His eloquence combined with humour made the speech more effective and appealing to the House in spite of his weak case. In the matter of humour the Hon'ble Minister in charge of the Bill was not lacking. He put forward his motion in his own humorous way. A

VOICE: Why not put forward your humour also.) (I am only a matter-of-fact man.) I find that one member who opposed the motion began by saying that it is *ultra vires* of this House to initiate a legislation like this. I have heard with great attention and patience the reasons which have been adduced in support of his proposition, but I am sorry I am not convinced by those arguments that it is *ultra vires* of this legislature to legislate on this matter. The only thing that can be said and has been put forward in the dissentient notes is that some of the items come under the Federal list and not the provincial; to that extent the Bill might be said to be *ultra vires*. We have looked to it. The Bill is operative only with regard to certain items and the provincial legislature has got ample power just to prescribe a specific method by which the Act has to operate. I do not think that anything in the Government of India Act prevents the provincial legislature from giving effect to these necessary provisions to meet the needs of the situation. It is admitted on all hands, even by the money-lenders themselves, that the Bengal agriculturists are greatly indebted. You must take early steps to relieve the debtors; otherwise it is no use having a machine to suck blood if there is no blood. If the money-lenders feel that they cannot get back their money, they would willingly forego some amount of interests. I had been to Burma once and found there a set of money-lenders who do not care for their principal. They do not take two meals a day before they can invest a lakh of rupees and get interest from that. I have seen some of them have got to sacrifice their principal in their greed for interest. We are in this unfortunate position that our agriculturists—and middle-class too—are indebted and indebted to an extent that it will be very difficult for any Government to tackle the problem satisfactorily with only Debt Conciliation Boards. If I had the power I would have asked the Bengal Government not to introduce a Debt Conciliation measure but to introduce a Debt Cancellation measure. The one panacea for all ills—unemployment, indebtedness, helplessness, etc.—is the abolition of interest. I do not know who was responsible for the introduction of the system of "interest" but unless interest which is very bad in itself is abolished no great improvement in the condition of the people is possible. Interest is a great evil and it is a source of temptation to the capitalist to get rich at the expense of the borrowers. In my humble opinion interest is the root of all evils and economic and political diseases. Now we are trying to reduce interest through Co-operative Societies. What is the object of a Co-operative Society? It is to advance loan at the lowest rate of interest possible. So the ideal Bank would be one, which can lend money without interest. That should be the aim and ideal of Co-operative Societies. If that is done, any nation can easily eradicate poverty and indebtedness from its midst. After all we are copying the western

models. The very framers of this Bill say 'that they are merely following the methods and ideals which have proved beneficial in England and other countries in the West.' As a matter of fact the whole world is suffering from this interest incubus. If the Bengal Government were to introduce a measure which would not only relieve the debtors of their debts but also cure the money-lenders of their avarice, by abolishing interest then I for myself would welcome it most.

As regards the point made by one of the speakers about the Bill being *ultra vires* of the Provincial Legislature and *intra vires* of the Central Legislature, my submission is that if the Money-lenders Act which was passed by the old Bengal Legislative Council was not considered to be *ultra vires*, this cannot be held so, and I don't think that there is any provision in the Bill before the House except the stopping of interest which was not in the old Act. There is nothing in the present Bill to militate against the exercise of their legitimate power by the Bengal Government under the Government of India Act.

I congratulate the honourable member who has just spoken on the title which he wants to give to this Bill. He says that it is not a Money-lenders Bill but a Money-choking Bill, a Bill for abolishing borrowers and credit. I would have been very glad if the Government of Bengal had introduced such a measure and the people of Bengal would have felt immensely grateful if their poor people could have been saved from the money-lenders temptation. The real fact is that there are a set of money-lenders who always induce people to borrow money from them, because there is the temptation of interest. If you put 100 solvent persons and one money-lender in a particular place you will find that those 100 persons in spite of their solvent condition will be beguiled into his trap. I would congratulate the Bengal Government if they could altogether abolish money-lending on interest. There should be none in Bengal forced to borrow money from anybody by circumstances. There is not the least doubt that the whole difficulty has arisen on account of the evil of interest. Sir, I think that this Bill does not give full relief to the needy people. It has only gone half-way.

Sir, one point has been raised on the ground of iniquity to the decree-holders. It is said that there should be no prohibition of interest on decretal amount. There are cases where award of interest after the decree operates harshly on debtors. In the case of disputes filed by Co-operative Banks against debtors, interest is allowed to run by the award but I have found by experience that it unnecessarily swells the debt which cannot be easily recovered. Therefore I don't think that there is any equity in the contention for running of interest after the decree. Of course it would be much better if there is no

interest but once you permit interest to go on it looks iniquitous that after the decree there should be no interest. Interest might be reduced.

I find that in the Report of the Select Committee that objection has been raised to the application of the Bill to Banks, Co-operative Societies, and promissory notes by the European Group. The regulation of the money-lending business and rate of interest is certainly within the power of this legislature. If promissory notes and interest are excluded, the whole object of this Bill will be frustrated.

As regards the legal point raised by Mr. Khaitan I think the main responsibility falls on the Hon'ble Nawab Musharruff Hossain, who will have to show whether this Bill is *ultra vires* of this Legislature or not. With these few words I commend the Bill to the acceptance of the House, or its consideration clause by clause.

Mr. ABDUL KARIM: Mr. Speaker, Sir, I agree that the same set of measures should not regulate the different classes of credit transactions such as agricultural, industrial and commercial. We can just now better confine ourselves mainly to the problems of rural indebtedness. As regards industrial and commercial credit transactions, we may for the present keep them outside the operation of the present Bill so far as it does not affect the loans advanced to borrowers who are agriculturists by occupation. I admit, Sir, that any measure we undertake to consider on the floor of this House should be taken up cautiously so that it may not put any undue restrictions on the progressive developments of industrial organisations of the province on whom practically depends the future prosperity of the people of Bengal for which we are looking forward.

Sir, at the same time it cannot also be denied that the present poverty of the people is due largely to indebtedness, the reverse of which also is equally true. In 1930, the Bengal Provincial Banking Enquiry Committee estimated the total agricultural debt at 100 crores and the average debt per agriculturist family at Rs. 160. The amount has now gone up. According to the report of the Reserve Bank of India, it went up to 180 crores in 1933. The existence of this crushing debt has been universally acknowledged to be one of the main causes of the present state of affairs. As Wolff, in his "Co-operation in India", put it "The country is in the grip of the *Mahajan*. It is the bonds of debt that shackle agriculture."

Sir, the presence of this huge volume of indebtedness, which has been for the most part unproductive, constitutes one of the most serious problems of agricultural economy in our country. In the circumstances, Sir, a Bill of the type we have before us to-day has been long overdue.

Sir, after all what has this Bill provided for? It has mainly provided for registration and licensing of money-lenders, regulation of accounts, limitation of exorbitant rates of interest and powers of courts for recovery of debts.

Legislation regarding licensing and control of money-lenders has been taken in other countries also to regulate the business of money-lending in order to avoid the abuse of powers of the money-lenders which they have over their borrowers. The imperfect civil law on the subject and its administration have also been responsible to a certain extent for the present state of affairs. It has also been observed by some authorities on Indian Economics that owing to excessive pressure of work, the judges of the civil courts followed the line of least resistance and favoured a rigid and literal application of the law without attempting to go behind the bond and that sale of the mortgaged land for the satisfaction of a debt under a civil decree became an ordinary expedient instead of the exceptional resort that it had been in the pre-British period.

In the circumstances, Sir, can it be denied that a legislative measure like the present Bill has been imperative in the present state of affairs?

Regarding rural credit of which much has been said on the floor of this House I feel, Sir, that there is need for rural credit for improvement of agriculture. But, Sir, I submit that no legislation by itself can either disturb or create rural credit. This is a problem that requires careful and thorough examination of the various circumstances relating to it. The borrowers must learn to invest their borrowed loan for productive purposes, and the relationship between the borrower and the debtor must be cordial and humane, before we can expect to have rural credit in the proper sense of the term. The lender must not look for the expropriation of the borrower's landed property. He should see that money is used for productive purposes and he gets a share of the profit out of that production. I do not think that the present Bill is likely to interfere or disturb the existing state of affairs so far as rural credit is concerned.

My friends may be alarmed that this legislation will affect the Joint-Stock Companies like the loan companies which exist in such large numbers in mofussil areas. These loan companies are by no means banks in the true sense of the term. They are only corporate bodies of individual money-lenders who pool their resources together to exploit the ignorant and illiterate masses. What the private money-lender does individually, these companies do collectively. Far from helping national developments in any direction, their only business is to exploit money from one particular class to satisfy the greed of another class..... (Cries of "Hear, hear" from the Coalition Benches).....If by this legislation we can remove these eruptions of an unhealthy, economic disease, we shall earn the gratitude of every one in the long run.

With these words, Sir, I support the motion for the consideration of the Bill.

Maulvi ABDUL BARI: Mr. Speaker, Sir, as a member of the Select Committee, I owe it to myself as well as to many of my friends who were serving on that Committee from day to day and were devoting their energies to examining the clauses of the Bill, that I should say a few words in support of the report of the Select Committee. I must first of all congratulate my friend, Mr. Khaitan, who, as an able Advocate, has put the case of his clients of Burra Bazar and of Clive Street before us all; and I must also congratulate Mr. Wordsworth of Chowringhee who, to safeguard the interests of his fellow brethren, has also tried his best to oppose the Bill in the form in which it has been presented. Sir, in opposing the consideration of this Bill, Mr. Khaitan has challenged the Government as to whether it was within the power of the Government to bring a Bill of this nature, or whether it was within the competency of the Select Committee to change the character of the Bill from what it was before. May I tell my friend, Mr. Khaitan, and his company that the origin of this Bill was the result of the introduction of a Bill of this nature by my friend, Mr. Ahmad Hossain, and Mr. Rajibuddin Tarafdar. It is well-known to me that when the Bill was being discussed at Darjeeling, it was he and many others who wanted to have a comprehensive Bill a Bill which might embrace not only the agriculturists in the Mofussil but also might apply to the people of Calcutta.. .. ...

Mr. DEBI PROSAD KHAITAN: On a point of personal explanation, Sir, I must deny the accuracy of this statement. I never said that it would be extended to Calcutta.

Maulvi ABDUL BARI: It was then, Sir, that Government asked the sponsors of those Bills to withdraw them so that Government might bring in a Bill which might be more comprehensive and might apply to the whole province of Bengal. As a result of that, this Bill was brought before the House. It is quite well known that the borrowers, particularly the borrowers of the mofussil, were being oppressed for a very long time for the exacting and the excessive rates of interest that were being charged by the money-lenders and the capitalists of the country. Government being alive to this fact tried to bring in a legislation so far back as in 1899, when in the Contract Act they gave certain powers to the civil courts to use their discretion in the matter of allowing of interest up to a certain percentage. But the civil courts used that discretion not so much in favour of the borrowers, but in favour of the capitalists. That measure did not prove to be of much utility to the people for whom it was meant. Then in the year 1880 the Usurious

Loans Act was brought into existence by the Government because Government felt that it was their imperative duty to protect those people who were hard hit by the money-lenders. Even that Usurious Loans Act of 1880 did not effect a change in the mentality of the capitalists and money-lenders nor did it empower the courts to such an extent as to give effect to the intentions of the Government. Then, Sir, it is well known that the Banking Enquiry Committee was appointed in order to go into these questions and also to suggest ways and means by which the rate of interest and the lot of the tenantry, the borrowers of Bengal, might be improved.

I remember one case in the report of the Banking Enquiry Committee. That case was referred to in the judgment of a District Judge, which was placed before that Committee, and it was found that interest of a sum of Rs 4,000 was charged and realised by the money-lender capitalist on a principal of Rs 300 only This shows the state of affairs prevailing at the time. The present Government in its anxiety to give relief to the poor people has brought this Bill in order to put an effective check on usury and also on extortionate transactions It is for this reason that the Select Committee in its deliberations took into consideration all the clauses of the Bill and tried to make it as liberal as possible.

The arguments that have been advanced to-day by my friend Mr. Khaitan were also advanced before the Select Committee, but the Select Committee in its wisdom did not think it right and proper to accept those arguments of his, and the Bill has come out of the Select Committee in the form in which we find it to-day.

Mr. Wordsworth threw out a suggestion to the effect that the Bill might be recommitted to the Select Committee for reconsideration. Sir, the report of the Select Committee is there; the minutes of dissent are also there. (DR. NALINAKSHA SANYAL: How many?) It may be many, but they are there. Therefore, the question of recommittal does not come in at all. It is for the House to consider the report of the Select Committee as well as the minutes of dissent and arrive at whatever decision it likes.

It is no wonder, Sir, that even to-day Mr Khaitan and his Group and Mr. Wordsworth and the Group that he is representing should want to perpetuate the tyranny and despotism of the money-lenders by thus trying to shelve this Money-lenders Bill. (Cries of "Hear, hear" from Congress benches.) I want only to warn them that the times have changed and that the days of democracy have come, and therefore the despotism of yore can never be exercised for any longer period.

Sir, I will examine some of the statements that have been made by my friend Mr. Khaitan regarding the *ultra vires* nature of this Bill. My friend has referred to some sections of the Government of India Act

and has tried to interpret them in a manner which might suit his purpose. My friend ought to remember that he is an attorney and not a lawyer and though he has tried to interpret the sections in the way that suits his purpose best I submit that I shall try to show that those sections have got no applicability to the facts of the present case.

Clause (*1*) of section 100 of the Government of India Act lays down that the Federal Legislature has got an exclusive right to legislate upon some matters which have been enumerated in list I of the seventh schedule. In list I of the seventh schedule, 59 items have been enumerated, but I can challenge my friend if he is sincere and honest that none of those items can cover the principle of the present Money-lenders Bill. (DR. NALINAKSHA SANYAL: The word "honest" is not parliamentary.)

Mr. DEBI PROSAD KHAITAN: May I rise on a point of order, Sir? Would my friend care to explain how my sincerity and honesty come into question at all? (DR. NALINAKSHA SANYAL: Sir, let us adjourn till to-morrow.)

Mr. SPEAKER: Before I accept the advice of Dr. Sanyal, viz., that we should adjourn till to-morrow, I may say that to-morrow immediately after Mr. Bari finishes his speech I will ask members who have given notices of recommittal or other motions to move their motions, and thereafter the debate will continue.

Adjournment.

The House was then adjourned till 4-45 p.m. on Tuesday, the 4th of April, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 4th April, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 215 members.

STARRED QUESTIONS

(to which oral answers were given)

Increase of crimes in Raiganj police-station, Dinajpur.

***316. Babu SYAMA PRASAD BARMAN:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware that thefts and burglaries and similar crimes against property have of late increased in police-station Raiganj in the district of Dinajpur?

(*b*) If so, does the Hon'ble Minister propose ascertaining the causes of increase of crimes?

(*c*) Is the Hon'ble Minister aware—

(*i*) that Raiganj is on the border line of Bengal;

(*ii*) that acts of crime are often repeated; and

(*iii*) that police strength at the thana is not adequate to meet the situation?

(*d*) If so, what steps are being taken to increase the strength of police force at Raiganj?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) No.

(*b*) and (*d*) Do not arise.

(*c*) (*i*) Yes.

(*ii*) I have no information.

(*iii*) No.

Mr. PROMATHA RANJAN THAKUR: With reference to (*a*), will the Hon'ble Minister be pleased to state if he made any enquiry?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, and I can give you the figures if you like.

The number of dacoits—	The number of robberies—
In 1938—2.	In 1938—Nil.
In 1937—1.	In 1937—Nil.
In 1936—5.	In 1936—1
In 1935—2.	In 1935—1.
In 1934—1.	In 1934—2.

The number of burglaries—	The number of thefts—
In 1938—26	In 1938—19.
In 1937—27	In 1937—19.
In 1936—34	In 1936—22.
In 1935—29.	In 1935—20.
In 1934—23	In 1934—17.

Granting stipends to Scheduled Castes students.

317. Babu MADHU SUDAN SARKAR: (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that the Scheduled Castes are backward in education;

(*ii*) that only a few Scheduled Castes college students have been granted stipends ranging from Rs. 4 to Rs. 8 from the fund of Rs. 5 lakhs specially provided in the last revised budget for the advancement of the education of the Scheduled Castes;

(*iii*) that no students reading in high English, middle English or primary schools get any help from the fund as yet;

(*iv*) that suggestion and recommendation of the Committee specially appointed for the disbursement of the grant have not been accepted by the Government; and

(*v*) that there is a saving of Rs. 3 lakhs as shown in the budget of 1939-40?

(*b*) What is the policy of the Government regarding spending of the amount?

(*c*) Are the Government considering the desirability of making the grant of Rs. 5 lakhs a recurring one for the education of the Scheduled Castes?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) and (*c*) Yes.

(*ii*) 258 Scheduled Castes college students were granted stipends ranging from Rs. 6 to Rs. 8 per month. The total amount spent for the purpose was Rs. 20,000.

(*iii*) Yes—as the Scheduled Castes Education Committee made no recommendation for the purpose.

(*iv*) Some of the suggestions and recommendations of the Committee have been accepted by Government with certain modifications. Others are under consideration.

(*b*) The policy of distribution of the balance of the grant will be decided by Government on receipt of further recommendations of the Scheduled Castes Education Committee.

(*c*) No.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state, with reference to (*c*), the reasons for not making the grant of Rs. 5 lakhs a recurring grant?

The Hon'ble Mr. A. K. FAZLUL HUQ: I gave my reasons during the time of the budget discussion when dealing with this point.

Mr. ATUL KRISHNA GHOSE: With reference to (*c*), will the Hon'ble Minister be pleased to enlighten us whether originally it was the express desire of the Government that the amount will be made a recurring grant for expenditure for the education of scheduled castes?

The Hon'ble Mr. A. K. FAZLUL HUQ: It was not a question of recurring grant of Rs. 5 lakhs. We have made a beginning with Rs. 5 lakhs and as soon as cases are made out for more money, Government will give the money and there will be no lack of sympathy on the part of the Government in meeting those cases.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the reasons for making a distinction between the amount allotted per student under the grant for the scheduled castes,

namely, Rs. 6, to Rs. 8 and the amount allotted for Muslim students, e.g., in the Medical College, Muslim students who have not even applied for any stipend are getting substantial amounts ranging up to Rs. 300 as a lump sum stipend——

Mr. SPEAKER: The latter portion of the question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in the Medical College, Muslim students who have not even put in applications for stipends have been given substantial stipends and, if so, what are the amounts?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is absolutely incorrect

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to make an enquiry?

The Hon'ble Mr. A. K. FAZLUL HUQ: I say no stipends were given without any application.

Mr. SURENDRA NATH BISWAS: With reference to (*a*) (*iv*), will the Hon'ble Minister be pleased to state what were the suggestions and recommendations of the Committee which were not accepted by the Government and the reasons why Government did not accept those recommendations?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot go into details off-hand

Mr. RASIK LAL BISWAS: প্রধান মন্ত্রী মহাশয় দয়া কোরে বোলবেন কি Scheduled Castes Education Committeeর কাছ থেকে প্রাপ্ত কতকগুলি সুপারিশ যে modify কোরে গভর্ণমেণ্ট গ্রহন কোরেছেন সেটা modify করার কি কারণ আছে?

The Hon'ble Mr. A. K. FAZLUL HUQ: যে হেতু সেগুলি accept করা যায় না।

Mr. RASIK LAL BISWAS: মাননীয় মন্ত্রী মহাশয় দয়া কোরে বোলবেন সেগুলি কি রকম nature এর সুপারিশ?

The Hon'ble Mr. A. K. FAZLUL HUQ: Most impractical suggestions.

Mr. RASIK LAL BISWAS: প্রধান মন্ত্রী মহাশয় দয়া কোরে দু-একটা উদাহরণ দিতে পারেন?

The Hon'ble Mr. A. K. FAZLUL HUQ: সে এখন আমার মাথায় নাই।

Mr. PROMATHA RANJAN THAKUR: With reference to (*c*), will the Hon'ble Minister be pleased to state if it is a fact that the answer has been given on the basis of the statement which the Hon'ble Minister made that if he was to make a recurring grant of Rs. 5 lakhs for the scheduled castes alone, he would have to demand Rs. 150 lakhs for the Muslims because they were 30 times more in number?

The Hon'ble Mr. A. K. FAZLUL HUQ: No. That statement was made only by way of an illustration. Sir, if you permit me, I want to make this point clear. I do not understand why there should be this nervousness on the part of the scheduled castes or so much anxiety on the part of their caste Hindu friends. What I said was this: "the scheduled castes students have now double advantages. They can avail themselves of the facilities of instructions afforded by the ordinary educational institutions and over and above that, they have got this Rs. 5 lakhs grant from which stipends are given and hostels are being erected. The facility of their taking advantage of the ordinary educational institutions will not be taken away. On the other hand, as we go on and demands are made, more funds will be supplied". I hope that will be a satisfactory solution. As regards the Muslims, they are taking advantage of the ordinary educational institutions. There is no lump grant for Muslim education which we have given for scheduled castes education.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have made it a rule that they will spend money out of this grant of Rs. 5 lakhs only on the recommendation of the Committee or whether Government may take the initiative of spending some money according to the needs of the students?

The Hon'ble Mr. A. K. FAZLUL HUQ: Government can certainly take the initiative.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if he is aware that there are many students belonging to the scheduled castes community, who are too poor to defray the expenses for colleges?

The Hon'ble Mr. A. K. FAZLUL HUQ : If such a student makes an application, I am sure he will be given a stipend.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what is the total amount of expenditure that has been up to date recommended by the Committee out of these Rs. 5 lakhs?

The Hon'ble Mr. A. K. FAZLUL HUQ: I remember having answered a question to that effect some time ago. I want notice.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*c*), will the Hon'ble the Chief Minister kindly refresh his memory and let us know whether he himself declared in this House that the amount of Rs. 5 lakhs will be a recurring grant?

The Hon'ble Mr. A. K. FAZLUL HUQ: I never said that.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to enlighten us whether this amount was withheld because some of the scheduled castes members withheld their votes?

The Hon'ble Mr. A. K. FAZLUL HUQ: We are not so mean as that.

Clerks in Dinajpur Collectorate.

*318. **Maulvi MAFIZUDDIN CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the present number of clerks in the higher grade of the Dinajpur Collectorate;

(*ii*) the number of them who are (1) Hindus and (2) Muslims; and

(*iii*) whether the Board's Miscellaneous Rules and other Government instructions are followed in the matter of making appointment and maintaining Muslim percentage in the higher grade clerks of the Dinajpur Collectorate?

(*b*) Is there any rule for the direct appointment of Muslim candidates in the higher grade for maintaining the percentage when suitable candidates from among the Muslim clerks in the lower grade are not available?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state whether direct appointment was ever made in the higher grade in the Dinajpur Collectorate to keep up the Muslim percentage?

(*d*) Are the Government considering the desirability of appointing a number of Muslims in the higher grade of the Dinajpur Collectorate either by promotion or direct appointments?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) 14.

(*ii*) Hindus	...	12
Muslims	...	1
Vacant	...	1
		14

(*iii*) Yes.

(*b*) and (*c*) No.

(*d*) Muslims of better qualifications are now being recruited in the lower division and it is expected that when their turn comes the percentage will be increased by promotion.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*d*), will the Hon'ble Minister be pleased to state if it is not a fact that in case of fresh appointment, the communal question is only taken into consideration, but in case of promotion only merit is taken into consideration?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes.

Mr. SPEAKER: He has not contradicted that. That is why it is said that because there is more recruitment therefore there will be more chances of promotion.

Report against Charge Superintendent of Ullapara in connection with loans and relief to the flood-affected agriculturists in terms of the resolution of the Flood Conference, Jalpaiguri.

***319. Mr. MD. BARAT ALI:** (*a*) With reference to the reply to unstarred question No. 56, dated the 10th March, 1939, will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact

(*i*) that an M.L.A. represented the case to the Hon'ble Minister; and

(*ii*) that the letter was acknowledged by the Hon'ble Minister?

(*b*) Is it a fact that the said letter was forwarded to the local official for enquiry and report?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether the report has been received from the local officer;

(*ii*) if so, whether the Hon'ble Minister is considering the desirability of laying a copy of the report on the table; and

(*iii*) if the report is against the then Charge Superintendent at Ullapara, what action is proposed to be taken against him?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*), (*b*) and (*c*) (*i*) Yes.

(*c*) (*ii*) No.

(*iii*) The report is not against the Charge Superintendent.

Mr. A. M. ABDUL HAMID: With reference to answer (*c*) (*iii*), *viz.*, the report is not against the Charge Superintendent, will the Hon'ble Minister be pleased to state against whom the report was?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is confidential.

Money spent on Jails of Bengal.

*320. **Khan Bahadur A. F. M. ABDUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) the names of contractors who at present supply food to different jails of the province including Calcutta;

(*ii*) the amount spent on an annual average for each jail with their names;

(*iii*) whether tenders are called for these contracts; and

(*iv*) whether lowest tenders are accepted in all cases?

(*b*) If the answer to (*a*) (*iv*) is in the negative, will the Hon'ble Minister be pleased to state the reasons for not accepting the lowest tenders?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*ii*) The information is not readily available and its collection will involve an expenditure of time and labour which I am not prepared to incur.

(*iii*) Yes.

(*iv*) Yes, provided that the tenders are in order, the samples are up to the required standard, and the contractor is of reliable standing and reputation.

(*b*) *Vide* the answer to (*a*) (*iv*) above.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state the number of Jails in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Mr. SIBNATH BANERJEE: With reference to answer (*a*)(*iii*), will the Hon'ble Minister be pleased to state what kinds of announcement are made for calling tenders, whether in newspapers or otherwise?

The Hon'ble Khwaja Sir NAZIMUDDIN: Usually in the local jail office also in the local district newspapers, if there are any.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if registers are not kept showing the names of contractors to whom the contracts are given?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly they are kept in every jail.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state how difficult it is to collect the names of the contractors to whom the contracts are given?

The Hon'ble Khwaja Sir NAZIMUDDIN: You will have to write to all the jails.

Maulvi ABDUL BARI: Does the Hon'ble Minister think that writing to all the jails will cost much?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether Government will consider the desirability of advertising in the newspapers while calling for tenders in future?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe as far as large quantities are concerned, usually there is advertisement in all the newspapers but I will look into that again and if I find any contract worth any large sum of money has not been advertised in the newspapers, I will see that it is done in future.

Training of constables in Sarda Police Training College.

*321. **Babu PREMHARI BARMA:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that Bengali constable recruits find it difficult to follow the instructions of the non-Bengali Drill Instructors posted at the Police Training College at Sarda; and

(*ii*) that almost all the Instructors are non-Bengalis?

(*b*) If the answer to (*a*) (*ii*) is in the negative, will the Hon'ble Minister is pleased to state for the present time—

(*i*) the number of Bengali and non-Bengali Instructors;

(*ii*) the number of Bengali and non-Bengali Inspectors, Sub-Inspectors, and Head Constables in the Armed Branch of the Bengal Police Force; and

(*iii*) the number of Bengali, non-Bengali, Muhammadans, general Hindus, and Scheduled Castes Hindus, in the Armed Branch of the Bengal Police Force?

(*c*) Are the Government considering the desirability of appointing Bengali Instructors for the training of the Bengali constables?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) No.

(*ii*) Yes.

(*b*) Does not arise.

(*c*) No.

Babu PREMHARI BARMA: Will the Hon'ble Minister be pleased to state if it is a fact that some of the Bengali recruits have been discharged on the ground that they did not understand the instructions of the non-Bengali instructors?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is not correct, Sir.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the instructions are given in Bengali or in Hindi?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already said that instructions are given by non-Bengalis.

Maulvi ABDUL LATIF BISWAS: With reference to answer (*c*), will the Hon'ble Minister be pleased to state the reasons for not considering the desirability of appointing Bengali instructors for the training of the Bengali constables?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because at the present time there are no Bengalis in the armed force, how can I find out an armed Bengali instructor?

Maulvi ABDUL LATIF BISWAS: In view of his answer, will the Hon'ble Minister be pleased to state whether he considers the desirability of recruiting Bengalis as armed constables?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already said practically in every range there is a platoon of Bengalis in the armed branch and experiment is being made with them.

Babu PREMHARI BARMA: Will the Hon'ble Minister be pleased to enquire whether one Bharat Chandra Sinha and another Manindra Chandra Das were discharged simply on the ground that they could not understand the instructions of the instructor?

The Hon'ble Kwaja Sir NAZIMUDDIN: I will make an enquiry.

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় দয়া কোরে বোলবেন কি এই সব instructor দের সম্বন্ধে তিনি যে বোলেছেন যে almost all of them are non-Bengalis —এ বিষয়ে আমার জিজ্ঞাস্য এই হচ্চে যে একজনও কি তার ভিতর বাঙ্গালী নাই?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already replied to that question. Mr. Abdul Latif Biswas put a question; I have just explained the position.

Muslim mill hands of Tittagarh and Aryya Samaj activities.

***322. Khan Bahadur A. F. M. ABDUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state what steps, if any, have the Government taken to protect the Muslim mill hands of Tittagarh, district 24-Parganas?

(*b*) Is it a fact—

(*i*) that the Muslim mill hands of Tittagarh cannot still move about freely in the public thoroughfares there; and

(*ii*) that the Hon'ble Minister visited Tittagarh personally to enquire into the incident of pig throwing in the Ata Mohammed Mosque at Tittagarh?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken in the matter?

(*d*) Is it a fact that during his visit at Tittagarh a number of Moslem mill hands represented to him what in their opinion was the cause of most of the troubles at Tittagarh?

(*e*) If the answer to (*d*) is in the affirmative, is the Hon'ble Minister considering the desirability of directing enquiry into the matter?

(*f*) Is it a fact that the Circle Inspector and both the Sub-Inspectors of Tittagarh thana are Hindus?

(*g*) If so, are the Government considering the desirability of posting immediately a Moslem Circle Inspector or a Moslem officer-in-charge of the Tittagarh thana?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The protective steps usual at the time of such an occurrence were taken.

(*b*) (*i*) No.

(*ii*) The area was visited by me in order that I might be satisfied that the incident would not lead to serious repercussions.

(*c*) Does not arise.

(*d*) Yes.

(*e*) Their grievances are being enquired into.

(*f*) No.

(*g*) In the ordinary course a Muhammadan Circle Inspector is under transfer to the circle.

Rai HARENDRA NATH CHAUDHURI: With reference to answer (*d*), will the Hon'ble Minister be pleased to state whether he had any opportunity of gathering the opinion of the Hindu mill hands regarding the cause of most of the troubles at Tittagarh?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I remember none appeared before me when I visited the place.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether previous notice was given to the Hindu mill hands?

The Hon'ble Khwaja Sir NAZIMUDDIN: No one had any previous notice. It was entirely a surprise visit.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether the friction was between the old mill hands and the new recruits appointed by the mill?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that is entirely correct.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state how many new men were recruited during this time and what percentage of them were Muslims?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit that this does not arise out of this question.

Mr. SPEAKER: This does not concern the Home Department.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Agricultural demonstrators in rural areas in Bengal.

121. Khan Bahadur Maulvi ABIDUR RAZA CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Veterinary Department be pleased to state—

(*i*) the present number of agricultural demonstrators appointed by the Government for rural areas who are not attached to any district agricultural farm;

(*ii*) the number of demonstrators posted at present in each district; and

(*iii*) the number of demonstrators the Government propose to appoint in the next year?

(*b*) Are the Government considering the desirability of posting demonstrators in those districts where at present there is no such demonstrator?

MINISTER in charge of the AGRICULTURE and VETERINARY DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) 118.

(*ii*) 24-Parganas 4, Nadia 5, Murshidabad 4, Jessore 4, Khulna 3, Burdwan 6, Birbhum 4, Bankura 3, Midnapore 6, Hooghly 4, Howrah 3,

Rajshahi 6, Dinajpur 5, Jalpaiguri 6, Darjeeling 1, Rangpur 7, Bogra 5, Pabna 5, Malda 6, Dacca 12, Mymensingh 11, Faridpur 6, Bakarganj 5, Chittagong 5, Tippera 7, Noakhali 4, and Chittagong Hill Tracts 6. *Total* 143.

(*iii*) 12 including 2 in connection with flax demonstration.

(*b*) Does not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what are the duties of these Demonstrators?

Mr. SPEAKER: That question has been answered.

Steamer services between Khulna and Barisal.

122. Mr. SADARUDDIN AHMED: (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that the steamers, specially mail steamers, running between Khulna-Barisal and in the feeder services, often carry cargoes in vessels without making adequate provisions for accommodation of passengers; and

(*ii*) that the steamers are detained in intermediate stations beyond the scheduled time only for the purpose of loading and unloading of cargoes?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of urging up the Joint Steamer Companies to employ vessels other than passenger steamers for the purpose of carrying cargoes?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) No. I understand that cargo is carried on certain passenger services for intermediate stations, but passengers are not shut out to make room for cargo.

(*ii*) I am informed that detentions at intermediate points when they occur are unavoidable and of a minor character and in any case connections at transhipment and terminal points are always maintained.

(*b*) No. The practice of carrying cargo on passenger services is to the public advantage, inasmuch as (1) regular cargo services are thereby maintained and (2) certain services are continued which might not exist, if complete separation of the two types of transport were insisted upon.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether it is not a fact that passenger steamers are often detained for the purpose of loading and unloading cargo?

The Hon'ble Mr. H. S. SUHRAWARDY: I think the Joint Steamer Companies have admitted that fact.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what is the basis of his answer to (*a*) (*i*)?

The Hon'ble Mr. H. S. SUHRAWARDY: It is the report of the Joint Steamer Companies.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is the rule that passengers are not shut out to make room for cargo or whether it is the practice?

The Hon'ble Mr. H. S. SUHRAWARDY: What does the hon'ble member think himself?

Mr. SURENDRA NATH BISWAS: The Hon'ble Minister has stated in his answer "upon the report of the Joint Steamer Companies". It may be the rule of the Steamer Companies that passengers are not shut out to make room for the cargo. My question is—will the Hon'ble Minister be pleased to state whether it is his information that passengers are not shut out to make room for cargo?

Mr. SPEAKER: You first of all said whether it was the rule, then whether it was the practice and now you ask whether it is his information.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state although there is a rule that passengers should not be shut out to make room for cargo the practice is that the steamer staff care more for the cargo than for the passengers?

The Hon'ble Mr. H. S. SUHRAWARDY: The hon'ble member might ask the steamer staff and try to find out what is the position.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to institute an independent enquiry without relying upon the Joint Steamer Companies?

The Hon'ble Mr. H. S. SUHRAWARDY: If the hon'ble member points out specific cases of passengers having been shut out in order that cargo might be loaded, one might make an enquiry into that matter but a general sweeping statement like this can only be answered by a sweeping negation to the effect that passengers are not shut out.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government are prepared to make an enquiry if any specific case is reported to them?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, certainly.

Mr. ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that the time of detention at an intermediate station called Jalakati extends up to 2 or 3 hours with reference to his answer (*a*) (*a*)?

The Hon'ble Mr. H. S. SUHRAWARDY: It might be: I don't deny.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if he is aware that part of the cargo consist of hens, ducks and rotton fish which smell very bad?

Mr. SPEAKER: That question does not arise.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state whether the Government will consider the desirability of requesting the Steamer Companies to maintain a complaint book so that the passengers might record their complaints and action might be taken?

The Hon'ble Mr. H. S. SUHRAWARDY: It appears to me to be a very reasonable suggestion and I shall examine it.

Construction of metalled road on Khas Mahal land, Rajshahi.

123. Mr. SATYAPRIYA BANERJI: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware of the newly constructed metalled road on *khas mahal* land, Plot No. 132, Mauza Srirampur, No. 205, Sheet No. 4, police-station Boalia, district Rajshahi, round the porch adjoining the Rampur-Boalia Club?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the said road has been constructed with the permission of Government?

(*c*) If so, what are the number and date of the order granting such permission?

(*d*) If the construction on the *khas mahal* land has been without permission from Government, what steps do the Government propose taking for this unauthorised construction on Government *khas mahal* land?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) It was constructed with the Divisional Commissioner's permission in anticipation of Government sanction.

(*c*) Does not arise.

(*d*) Steps are being taken by the local officers to obtain the formal orders of Government.

Mr. SURENDRA MOHAN MAITRA: In view of the fact that the metalled road in question was constructed in 1926, will the Hon'ble Minister be pleased to state if the steps referred to in answer (*a*) were taken after this question was put?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, long before this question was put.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state when were the steps taken by the local officers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe at the beginning of last year.

Mr. SURENDRA MOHAN MAITRA: Is the Hon'ble Minister aware that the President of this Club is the District Magistrate or Collector?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state why then so long a time has elapsed between 1926 and 1938 and no permission was obtained from the Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is more than I can say.

Complaint against the Sub-Registrar, Parbatipur, Dinajpur.

124. Maulvi ABDUL JABBAR: (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether it is a fact that the local public of Parbatipur in Dinajpur district submitted a representation to the Inspector-General of Registration last year complaining against the Sub-Registrar of Parbatipur?

(*b*) If so, what action, if any, has been taken on the said representation?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) The representation was forwarded to the Registrar of Dinajpur for necessary action. The Inspector of Registration offices inspected the office thoroughly on 28th and 29th of October last. He found it in good condition. No complaint was made to him. The Registrar has, however, been asked for a report.

Maulvi ABDUL JABBAR: Will the Hon'ble Minister be pleased to state what action was taken by the Registrar of Dinajpur?

The Hon'ble Mr. A. K. FAZLUL HUQ: The Registrar has been asked to make an enquiry and submit a report. I am awaiting that report.

Babu PREMHARI BARMA: Will the Hon'ble Minister be pleased to state why the Inspector of Registration Offices inspected the office on the 28th and 29th instead of asking the signatories of the complaint to appear before him and substantiate their allegations?

Mr. SPEAKER: That question does not arise. The representation was forwarded to the Registrar of Dinajpur. The Inspector of Registration Offices has quite a different function. If you are to ask as to whether any enquiry was to be made and if so how was it to be made, you will have to ask about the Registrar.

Babu PREMHARI BARMA: My point is that the complaint was not made against any irregularity in the office but the complaint was made against the Sub-Registrar. If that be so, it is not understood why the enquiry should be made in the Sub-Registrar's office.

The Hon'ble Mr. A. K. FAZLUL HUQ: The representation has been forwarded to the Registrar for report.

Mr. PROMATHA RANJAN THAKUR: What is the actual complaint against the Sub-Registrar in question?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not got the complaint before me just at the present moment.

GOVERNMENT BILL.

The Bengal Money-lenders Bill, 1938.

Mr. SPEAKER: I propose now to ask the members whose motions are in order to move them and thereafter the debate will continue. I also propose at about 5-45 p.m. to give my decision on the points raised by Mr. Khaitan yesterday.

Babu NAGENDRA NATH SEN: On a point of order, Sir. The Report of the Select Committee says that "the time for the submission of the final report by the Select Committee was extended by the Assembly till the 31st October, 1938. The Committee could not however finish their deliberations even within this extended period and continued their sittings till the 21st December, 1938, with the special permission of the Hon'ble Speaker". Was that in order?

Mr. SPEAKER: That was perfectly in order. As regards the motions the motion standing in the name of Mr. Surendra Nath Biswas (No. 1) is not in order. Similarly motions Nos. 2 and 3 are also not in order. Mr. P. Banerji is not moving his motion—No. (4). The first part of Dr. Nalinaksha Sanyal's motion (No. 5) is not in order. Babu Nagendra Nath Sen is not moving his motion (No. 6).

May I know who will move motions Nos. 7 to 29 standing in the names of several European members?

Mr. C. MILLAR: Sir, I move formally the motion that the Bill be recommitted to the Select Committee with instruction to submit their report by the 30th April, 1939; but I reserve my right to speak later on.

Maulvi ABDUL BARI: Sir, yesterday I was just entering into a discussion with regard to the examination of the legal aspect of the question that was mooted by Mr. Khaitan. Sir, to-day I shall, in the time allotted to me, deal with the question whether this Legislature has got the jurisdiction to legislate over the matter referred to in the Money-lenders Bill. At any rate I shall try to enter into a discussion on the merits of the Bill itself. I am fully aware that man is not a perfect being and his creation therefore cannot be expected to be perfect. Laws made by man cannot therefore be perfect. Therefore

every time a particular legislation is made, that is required to be amended as time passes. Even prophets in their prophecies were not also perfect. Therefore, Sir, I submit that we do not claim that the report we have submitted is perfect. But let it be made perfect as far as possible by looking into the several amendments that have been tabled. Even after that it cannot be said that the Bill would be perfect. There was the Money-lenders Act of 1931, and though it was enacted with the best of motives, there were flaws in it, and therefore another Bill in the nature of the present Bill has been introduced. It should be examined whether the clauses of the Bill and the provisions therein will be in the best interest of all classes of people, particularly of the tenants.

Sir, I shall now refer to some of the sections of the Government of India Act which were stressed on by Mr. Khaitan. He referred to List 1, items 33, 37 and 38. I say at the outset that these items are not at all applicable to the facts of the present case. Item No. 33 refers to corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including banking, insurance, and financial corporations. Sir, nobody will contend that we are going to incorporate any such thing, nor are we going to incorporate anything which will have the effect of binding the trading corporations including banking, insurance, etc.; the only word stressed is "regulation".

Now, Sir, in this Act what have we done? Have we tried to regulate the banking business, the insurance business or any business with which my friend is concerned? I submit, no. The only thing he can lay his hand upon is that particular passage which says that accounts should be kept in Bengali. Again I refer my friend to clause 37B of the Bill itself where it is stated that the provisions of Chapters III and IV regarding registration and accounting will have no application to these matters. If he thinks that regulation is covered by what we have done, then I tell him that the meaning of "regulation" is to put in good order or to make it subject to rules or to restrict the working of that corporation or banking or whatever it may be. Under this meaning which we find in the Chamber's dictionary I submit that none of these interpretations is applicable to the facts of the present case. So far as banking is concerned, may I submit that the meaning of the word "banking", if put in its legal sense or its literal sense, includes money-lending business. Bank means an institution for keeping, lending and exchanging money. Therefore, the word "lending" is there. And if the meaning of the word "bank" includes money-lending, then it comes under item 27 of List 2, which enables a Provincial Legislature to legislate upon trade and commerce within the province, markets and shares, money-lending and money-lenders. If these two items, 27 and 33, are properly interpreted, we find there is no conflict between them, and that itself enables us to legislate upon this matter.

Then, Sir, if we look to item 37, of List 1, there we find the law of insurance, except as respects insurance undertaken by a Federated State and the regulation of the conduct of insurance business. As regards this insurance business, first of all we have not laid much stress in the Bill itself on insurance business. But my friend will have to admit that insurance business comes under the definition of contract, because whenever an insurance is made we enter into a contract that on payment of premiums for a certain period, a certain amount will be paid after a certain time. Therefore it comes within the definition of contract. If we refer to the Concurrent Legislative List, items 10 and 12, we find that the Provincial Legislature as well as the Federal Legislature have got jurisdiction to legislate upon contracts as well, because item No. 10 relates to contracts including partnerships, agencies, contracts of carriage, etc., and item No. 12 relates to bankruptcy and insolvency, etc. So, Sir, List III enables the Provincial Legislature to legislate upon insurance as well. Therefore the contention of my friend that insurance is a business upon which this House has no right to legislate cannot stand. Then I may refer him to section 102 of the Government of India Act which lays down that whenever anything is done by a Provincial Legislature which runs counter to the principle of the Federal Legislature and is repugnant to it, then the law that may be enacted by the Federal Legislature shall prevail. Sir, up till now we do not know that the Federal Legislature has enacted any law relating to contract, banking and insurance. If there be any doubt as to whether we have got the authority or not, I may refer him to section 102(2) by which we can for the present legislate upon these matters. And when any question will arise, that will be settled by the Federal Court. I may refer him also to section 107 of the Government of India Act, which was also referred to by him, viz., that whenever there is any dispute between the Federal Legislature and a Provincial Legislature the will of the Federal Legislature shall prevail. I submit that such a contingency has not arisen as yet. Therefore all the points that have been debated upon by Mr. Khaitan regarding the right of this House to legislate falls to the ground altogether.

Then, Sir, the question of sanction was raised, to which my honourable friend Mr. Suhrawardy replied yesterday that sanction had been obtained. Even if it be that sanction had not been taken, section 119 of the Government of India Act lays down that sanction need be taken only where the Governor's Act is going to be amended. Here there is no question of amending a Governor's Act. My friend of course refers to section 299 and has tried to show that a mortgage deed which involves business loan should also find a place in the Money-lenders Bill. With regard to that may I point out to him that vested interests in land are only meant in section 299. Now it is a fact well known to the members of the House, particularly to lawyers, that

mortgage of property is not a vested interest. It is only a conditional sale or conveyance for the purpose of securing money that has been given. Therefore section 299 has got absolutely no meaning in this case. Then if my friend would like to know what mortgage is I would refer him to section 59 of the Transfer of Property Act which lays down that it is not a complete transfer of property but that it is a conditional transfer——

(At this stage the member reached the time-limit.)

Maulvi ABDUL BARI: May I have a few minutes more, Sir, to finish my speech?

Mr. SPEAKER: I have already given you 10 minutes, and I am sorry I cannot give you any more.

(The member resumed his seat.)

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I rise to-day to support the consideration motion moved by my friend, the Hon'ble Nawab Musharruff Hossain. Not that the Bill as modified by the Select Committee is perfect, but I consider that if the consideration motion is taken up now, we may at least try to improve the Bill according to our party mandates and according to the wishes of the House.

The recommittal motion moved by my friend Mr. Millar, I think, will only delay the Bill. It is moved only for the purpose of causing hindrance to the business of this House. The Bill has already taken sufficient time. It was first published in the *Calcutta Gazette* on the 18th July, 1938. After that, it was sent to the Select Committee. The Select Committee had some protracted sittings, and after due deliberation it modified the Bill in the form in which it has been presented to the House. A good deal of public money, a good deal of time of the honourable members of this House and a good deal of energy have been lost, and, therefore, I submit that no useful purpose will be served if the Bill is recommitted to the Select Committee once more. Besides, Sir, I think that no clear case has been made out by the gentleman who moved the recommittal motion or spoke on the motion for recommitting the Bill. The speakers supporting the recommittal motion or opposing the main motion of the Hon'ble Nawab Musharruff Hossain mostly come from the group of Mr. Khaitan or from the European Group on my left.

Of the European Group, Sir, I take up first the arguments put forward by Mr. Wordsworth. He mainly hinges his arguments on two points. Firstly, he shed some tears for the agriculturists of Bengal by saying that rural credit would dry up, and, secondly, as President of the Provincial Co-operative Bank he said that this movement will

have a setback if the Bill is passed into law. I leave it to the House to consider that Clive Street which he represents never cared for the agriculturists of Bengal (Cries of "Oh! oh!" from the European Group), nor did the Scottish Banks standing on either side of Clive Street ever lend any money for the benefit of the agriculturists. (Cries of "Hear, hear" from Coalition benches.) Even complaints were made before the Banking Enquiry Committee against a respectable bank which was managed mainly by Europeans, I mean the Imperial Bank of India, that this management never cared to enquire into the grievances of Indian concerns. Their main concern was the European Industries.

About the Co-operative movement, I respectfully submit, Sir, that Mr. Wordsworth, though he is connected with it for a long time, has a very wrong idea about the intention of launching the Co-operative movement in Bengal. He considered the co-operative bank and movement simply as money-lending business, but the original intention for launching this movement here in Bengal was not that. We at least intended to make the co-operative department a charity department of Government and gradually introducing co-operative banks and co-operative institutions in Bengal, we wanted to teach the agriculturists of the country how to socialise the instruments of production—not that we cared whether this money-lending business prospered in Bengal or not. The way in which Mr. Wordsworth thinks of furthering the cause of the co-operative movement will ruin the whole movement, and it is the sole cause which has made the movement unsuccessful and unpopular in the country; practically the whole movement is now on the verge of collapse here in Bengal.

About Mr. Khaitan's objections, all I can say is that he visualised both legal as well as practical difficulties. His first objection, so far as I remember, is about the extension of the principle of *damdupat*, but I may bring it to his notice that this system is not dependant upon any law which the British Government passed in Bengal or in India. It existed in Bengal from before and is independent of any legislation of this House. It existed from the time of the Hindu Emperors; the Muhammadan Emperors also used it; and subsequently, the Anglo-Indian Legislators also used it,—only they confined it to the town of Calcutta where the Original Side of the High Court has its jurisdiction.

Now, Sir, by the Money-lenders Bill of 1933, this principle of *damdupat* was extended to the rural areas of Bengal, and this Bill does not intend to introduce any new principle. It only modified the principle which was already accepted in the Legislature in 1933.

Then Mr. Khaitan has spoken about credit. Credit here in Bengal can be divided into two classes, viz., (1) rural credit and (2) urban credit or credit which controls industry as well as commerce.

As regards rural credit, I bring to the notice of Mr. Khaitan that it is already gone. The agriculturists of Bengal for the last four or five years have not been getting any loans from anybody. We have nothing to think about it. The Banking Enquiry Committee says that the agriculturists require about 96 crores of rupees for short-term loans annually and the co-operative banks are the only institutions that supply rural credit to the extent of 6 or 7 crores of rupees. Other institutions and other individuals have stopped payment. So, there is almost no credit in the rural areas. If the Bill is passed into law, it will not touch the future rural credit—the dead horse—but it will only scale down the old debts for which the agriculturists are suffering. If we do not scale down the rate of interest and cut down the debts, the agriculturists will be compelled to pay according to their old contracts. The commodity prices were very high when the loans were taken and therefore it is desirable that by a legislation of this House we should scale down those debts, as the commodity prices are low now so that the agriculturists may pay up their old arrears.

So far as commercial credit is concerned, it is our experience and the experience of the commercial world that surplus money must be deposited by the owners of money somewhere. They cannot keep the money in their boxes. Sometimes we have seen that premium is given by some people in order to keep the money in safe custody. If we consider the case of Savings Banks, if we consider the case of other institutions, we find that even 1 per cent., 2 per cent. or 3½ per cent. is considered sufficient by the owners of money for the purpose of depositing their money, and therefore if we pass this kind of Bill into law, the holders of surplus money must deposit their money whenever they can and will not be affected in any way. On the other hand, Sir, the higher rate of interest that is nowadays charged has practically chocked the industrial development of this country. The higher rates of interest have induced the owners of money to utilize it for money-lending purposes,—they never cared for the development of trade and commerce in the country. The general tendency of the people, if they can get profit at ease, is to follow the Widows Provision by which name money-lending business is known in this country. They become *rentiers* and unearned income-holders by keeping their money in loan business without developing the trade, commerce and industry of the province. So, I submit, Mr. Khaitan need have no fear because the cutting down of the rate of interest or the scaling down of debts will not affect his commerce, or the industry which he has the honour to represent.

Then Mr. Khaitan spoke about cheap recovery and he pointed out that the difficulty of the creditors begin after getting his decree. I submit that it is also due to high rate of interest. The decree-holders are covetous enough to get decrees at high rate of interest which the

judgment-debtors are very seldom able to pay. Therefore, their difficulty begins after the decree. If the rate of interest is lower, the judgment-debtors will pay very easily. Therefore, it will rather help the decree-holders, and the judgment-debtors will be able to pay more easily.

Then, again, he spoke about the stopping of interest on the decretal amount as well as the re-opening of the transactions even after the passing of the decrees. I submit, it is not a new thing. The principle of re-opening transactions even after the passing of the decree and allowing lower rate of interest was accepted in the Act of 1918 and this present Bill aims only to modify that principle and nothing else.

Then Mr. Khaitan spoke about some legal objections. But I submit that these objections also cannot stand. He stated that the Select Committee went beyond its power and introduced some things which it had not the power to do. I submit that the Select Committee has power to make suggestions to alter sections, to substitute one section for another, provided that the main object and aims of the Bill are not altered and the Select Committee has made nothing of the kind. He quoted section 100 of the Government of India Act, 1935, and he also quoted Articles 28 and 33 of the Seventh Schedule to the Act. In that section, there is nothing. In sub-section (1) of that section, it says that the Federal Legislature have certain spheres of legislation; sub-section (2) says that the Provincial Legislature have got some spheres of legislation and sub-section (3) says that there are some concurrent spheres of legislation in which either the Central Legislature or the Provincial Legislature will be able to legislate. With this, he takes Articles 28 and 33 of the Seventh Schedule But I submit, his contention is not correct. Article 28 says that the Provincial Legislature have not the power to legislate on Promissory notes and Article 33 lays down that they have not the power to regulate the activities of Corporations like Insurance Companies, etc. But I submit that we are not going to legislate on banking; we are not going to regulate any Corporation whatsoever. Regulating cannot, by any stretch of imagination, mean the lowering down of interest or the recovery of the decretal amount which we are doing in the Bill. We are trying by this legislation only to cut down the rate of interest and to lay down some rules as to how the decretal amount will be collected. Therefore, legislation relating to banking and regulation of Corporation will not be touched by this legislation if it is passed into law.

Then again, he quoted section 299 of the Government of India Act with the intention of showing that no legislation can be brought forward in any legislature without the previous sanction of either the Governor General or the Governor of the Province, which may affect any interest in immovable property.

(Here the member, having reached the time-limit, resumed his seat.)

Mr. Speaker's Ruling.

Mr. SPEAKER: The questions raised yesterday by the hon'ble member representing the Indian Chamber of Commerce are of considerable constitutional importance for the province. He has with great ability and clarity of reasoning raised three main issues before this House, viz.:—

Firstly.—That the Select Committee has extended the scope of the Bill and has gone beyond the essential principles of the Bill.

Secondly.—That the Provincial Legislature is not competent to legislate in relation to Banks, Corporations or Promissory notes and therefore some of the provisions of the Bengal Money-lenders Bill are beyond the powers of any Provincial Legislature.

Thirdly.—That this House is not competent to consider some of the provisions of the Bill without the sanction of the Governor, as provided for in section 299 of the Government of India Act of 1935.

Hon'ble members will admit that the Bengal Money-lenders Bill is probably the most complicated Bill that has been brought up before the House since the inauguration of the present constitution, and it has undoubtedly been made still more complicated by the numerous changes made by the Select Committee. Within the short time at my disposal, it has not been possible for me to find out the correct bearings of all the changes made by the Select Committee and hon'ble members will realise that it is not humanly possible to do so until I have an opportunity to consider the provisions of the changes in greater details. At the same time it is only when such specific changes, clause by clause, will come up for consideration before this House that it would be possible with reference to each specific provision to consider whether the Select Committee has gone beyond the scope of the Bill. If at that stage, the point is raised with reference to specific portions of the Bill, I shall give my decision on consideration of the contentions that may be raised before me. I may only note at this stage that this Bill is not a mere amending Bill; it is for the purpose of "regulating transactions of money-lending in Bengal". Therefore, amendments and provisions which are outside the scope on the Explanatory Memorandum or the Statement of Objects and Reasons may be within the scope in consideration of the citations in the preamble. With these remarks, I must leave the point to be raised at a later time and relevant stage. The question about the sanction of the Governor may similarly be raised when the relevant clause is under consideration by the House.

The most important contention, however, is that the Bill, at least in some of its provisions, is not within the scope of our powers under the Government of India Act of 1935. I may note at the outset that the question of *ultra vires* or *intra vires* is a matter that can only be ultimately decided by authoritative judicial decisions and my function is merely to examine the question in so far as it is necessary to decide the admissibility of the motions and amendments arising out of the provisions of the Bill.

Before I enter into details, it would be useful to understand the implications of the present Constitution Act. The corner-stone of the present Constitution is the Autonomy for the provinces and the structural frame-work of the Constitution has been so designed that each of the Governor's provinces may possess an Executive and Legislature having an exclusive authority within the province in a precisely defined sphere broadly free from any control by the Central Government and Legislature. It represents a fundamental departure from the old conditions of things under which the provinces could not function except to the extent of their delegated powers or as agents of the Central authority, but to-day the Government of India and the Central Legislature derive their authority and power exactly from the same Constitution Act as the provinces. The provinces have now an autonomous legislative body with definitely demarcated allocation of exclusive jurisdiction and the legislative powers are now distributed between the Federation and the province, each with an exclusive jurisdiction, with a concurrent list where the Federal law shall prevail over the provincial law, so that any provincial law to the extent of its repugnancy with Federal law in such concurrent sphere shall be void. But otherwise, in the exclusive Federal list the province has no power to legislate—in the exclusive provincial list the Federal Legislature has no power to legislate.

Where the Constitution Act thus provides for the functioning of *quasi*-sovereign legislatures and executives each must operate without impairing the independence of the other so that the provinces and the Federation may each have certain free, unfettered, unrestricted legislative functions. While the Constitution Act provides for the supremacy of the Federal Law where it is competent to enact or in the concurrent Legislative List, Federal authority cannot in any way override the laws of the province within its own sphere. For the time being it can, therefore, be accepted without any challenge that there is no supremacy or jurisdiction of Federal Legislature in matters exclusively belonging to the province.

The present question arises out of the items in List I and List II of Schedule VII, both exclusive lists. Whatever may be the nature of any apparent or real conflict between List I and List II, there can be no doubt that the intention behind these provisions was not to

create any conflict but to provide for an exclusive, separate and distinct power for both the Federal and the Provincial authorities. But what is intended to be conveyed cannot always be expressed in precise terms with clarity and specially so in legal terms, nor is it always possible, to test every word and term in any legal draft with reference to the rest of the provisions in any legislative enactment. Law is always expressed in broadest terms and in compact language. Conflicts, therefore, always arise as to the exact meaning and scope of words and terms and in interpreting the statutory provisions of exclusive powers, we have to interpret a Constitution Act in its broadest aspects, keeping the spirit of the Constitution before our view. If and where there appears to be an apparent overlapping of functions between two exclusive lists, we must try to find out as to whether and if so to what extent, it is possible to reconcile the two and if by any interpretation, it is possible to separate the functions,—that must be taken to be the intention of the Parliament behind the provisions of two separate and exclusive lists as between the Centre and the province. If the field is clear, the Federal and Provincial Legislatures will function, each within its own sphere. But if there is still a blurred field and overlapping regions, the uncertainties cannot be determined unless the matter is settled and clarified by authoritative judicial pronouncements or the amendment of the Constitution.

Can it be said that because banking corporations or promissory notes come within Federal List, it means an implied prohibition for the provinces in all aspects of the activities of bank or in all phases of promissory notes and, therefore, even though money-lending is a function for the Provincial Legislature, money-lending when done by a Bank or when based on promissory notes is beyond the scope of the provinces? It may be noted that what comes within the Federal List is not banking business or banking activities as such, but incorporation, regulation, winding-up of banking corporations and the conduct of banking business. Conduct of banking business is not the business itself. It means the organization and management of banks and corporation rather than their activities in business itself. One may, therefore, safely demarcate the boundaries, viz., while the incorporation, organization, management and closure of banks come within the Federal List, money-lending by banks and corporations is not a subject of Federal List, but that of the provinces. One is a question of business method and manner and the other is the business function and enterprise. If banks and corporations are not subject to the provincial legislation in money-lending, they will have to be excluded in many other activities of theirs which come within the Provincial List. Internal trade and commerce, manufacturing and production of alcoholic liquors, gas and gas works, ropeways, municipal tramways, inland traffic and waterways, production, supply and distribution of

goods, and many others, when taken up by banks and corporations will stand exactly in the same position and will have to be excluded from the jurisdiction of the provinces. While private persons will come under the scope of the provincial legislation in all these subjects the corporation and banks will not come within the provinces. In such circumstances the very purpose of an elaborate, exclusive Provincial List in a solemn Constitution Act will be more than stultified.

The question of promissory notes is not, however, free from difficulty. But if one carefully scans item 28 of the Federal List, one will notice that the purpose is quite different from what is now being contended to-day. Item 28 enumerates cheques, bills of exchange, promissory notes and other like instruments. The intention apparently is to give jurisdiction to the Federal Legislature on the legal incidents and ingredients of these instruments and in any case, item 28 of the Federal List, read with item 27 of the Provincial List, must mean that money-lending comes within the provincial jurisdiction and matters like the following come within the Federal List, viz., to what extent cheques, promissory notes should be negotiable; how these instruments can operate as negotiable; to what extent and under what circumstances cheques, bills of exchanges and promissory notes would be valid in law. A cheque, promissory note or bill of exchange can be approached from various points of view—from the angle of contract, the legal right to recovery, and the liability to pay or repay, the incidents of enforceability, etc. In other words, it can be approached from the point of view of its debts, obligations as well as its other legal incidents. So far as the element of money-lending and its incidental implications are concerned, which includes interest, it comes within the Provincial List, but other matters come within the Federal jurisdiction.

Provinces have now power to tax on profession, trade, callings and employments, to legislate on internal trade and commerce within the scope of their powers. Is it to be contended that because they are corporations or banks, they are not amenable to such taxes or are not subject to provincial legislation for purposes of internal trade and commerce? True, they are not amenable to taxes as such, as corporation taxes come within the Federal powers, but they are as much subject to provincial legislation in taxes and in all matters that are in the exclusive Provincial List, like every private citizen. Let it be remembered that in such cases it is not corporations as such that are taxed, but their activities that come within the scope of the provinces. If money-lending is done by them, they must come within the Provincial List, not as corporations or banks, not on promissory notes as such, but on money-lending as money-lenders.

We must remember that the distribution of powers and functions in the Government of India Act like these in all federations have followed

certain well-known principles. Matters of unquestionably national interest and importance, matters which may affect the body politic of the entire country are left to the Federation; matters of substantially local or private interest have been left to the provinces while matters where uniformity of legislation is desirable, where diversity of laws will have a hampering effect to the country as a whole, have been left over in a common concurrent field.

On the other hand it would be unthinkable that a great Constitution Act ever intended that there should be two sets of laws to be promulgated by two legislative bodies, over same functions—private citizens by the provinces and banks and corporations by the Federation. It would be a legislative anarchy and cut away the very root of provincial autonomy.

It would not be out of place here to refer to some of the decisions of the Privy Council arising out of similar conflicts in legislative powers in the Colonies. Under the Canadian Law Federal Government activities are beyond the scope of State Governments and State legislation, but judicial decisions have distinguished between Governmental agencies and functions in strict sense and ordinary business enterprises which happen to be conducted by Governments and the exemption has not been granted in favour of ordinary business enterprises, even though taken up by the Federal Government. It is now a well-settled principle enunciated by the Privy Council in Hodge *versus* Queen (1883) 9 App. Cases, 117, that subjects which in one aspect and for one purpose fall within the scope of Federal Legislature, may in another aspect and for another purpose fall within the scope of provincial legislation. The principle was based on the decision of the case of Russel *versus* The Queen (1), where the Privy Council laid down that in cases of conflict of jurisdiction, the essential principle is to determine the true nature and character of legislation in order to ascertain the class of subject to which it really belongs, and there may be an incidental trenching on another ground on literal construction of words, it is the primary matter dealt that determines the jurisdiction and any incidental interference does not in any way alter the character of the law. The principle laid down in Hodge *versus* Queen was accepted by Lord Haldane in John Deere Plow Company *versus* Wharton (2). Lord Atkine in the case of Gallagher *versus* Lyon (3) in approving the same principle that one must look at the "true nature and character of the legislation", "the pith and substance of the legislation", observed:—

> "If, on the view of the Statute as a whole, you find that the substance of the legislation is within the express powers, then it is not invalidated if incidentally it affects matters which are outside the authorised field".

(1) (1881) 7 App. Cases, 829.
(2) (1915) App. Cases, 330.
(3) (1937) App. Cases, 863.

In the words of Lord Hobhouse in a Canadian case, Bank of Toronto *versus* Lambe (1) it cannot be conceived that when the Imperial Parliament conferred wide powers of self-government on great countries, it intended to limit them in any way. "Whatever power falls within the legitimate meaning" of an item of Provincial List, is what the Imperial Parliament intended to give; and to place a limit on it because the power may be used unwisely, as all powers may, would be an error, and would lead to insuperable difficulties, in the construction of the Constitution Act. "The express words of an Act of Parliament which makes an elaborate distribution of the field of legislative authority between two legislative bodies and at the same time provides for the federated provinces a carefully balanced constitution", under which no one of the parts can pass laws for itself except under the provisions of the Constitution Act, must be very carefully interpreted. "If on the due construction of an Act a legislative power falls" within the scope of the Provincial Legislature, "it will be quite wrong to deny its existence, because by some possibility it may limit the range which otherwise would be open" to the Federal Legislature.

The Hon'ble High Court of Calcutta also laid down that:—Where in construing a statute, one must decide it not merely with reference to mere literal terms of the provisions but on consideration of the entire statute, in consideration of all other provisions and powers, the effect of one provision on another, the circumstances attending the passing of an Act and "the whole purport and scope of the Act to be collected from various clauses other than the particular clause, the meaning of which is in dispute" (2).

In interpreting the British North America Act, 1767, in the case of Edwards *versus* Attorney-General for Canada (3), Lord Sankey in the Judicial Committee of the Privy Council laid down the principles of interpreting a Constitution Act—"Their Lordships do not conceive it to be the duty of this Board—it is certainly not their desire to cut down the provisions of the Act by a narrow and technical construction, but rather to give it a large and liberal interpretation so that the Dominion to a certain extent but within certain fixed limits, may be mistress in her own house as the provinces to a great extent, but within certain fixed limits, are mistress in theirs. The strict construction deemed proper in the case, for example, of a penal or taxing statute or one passed to regulate the affairs of an English Parish, would be often subversive of Parliament's real intent if applied to an Act passed to ensure the peace, order and good Government of British Colony. Such Act should be on all occasions interpreted in a large, liberal and

(1) (1887) 12 App. Cases, 575.
(2) Punyendra Dev *vs.* Jogendra Dev, 64 C. L. J. 214.
(3) (1930) App. Cases, 124.

comprehensive spirit, considering the magnitude of the object with which it purports to deal in very few words."

This principle of construction has been reiterated in two recent cases by the Privy Council, British Coal Corporation *versus* The King (1) and James *versus* Commonwealth of Australia (2). Lord Wright in the latter case made it clear that some breadth of interpretive method is to be applied to a Constitution Act and observed as follows: "it is true that a Constitution must not be construed in any narrow and pedantic sense. The words used are necessarily general, and their full import and true meaning can often only be appreciated when considered, as the years go on, in relation to the viscissitudes of fact which from time to time emerge. It is not that the true meaning of the word changes but the changing circumstances illustrate and illuminate the full import of that meaning." In the case of the British Coal Corporation *versus* the King, Lord Sankey laid down that "in interpreting a constituent or organic Statute such as the Act (i.e., the British North America Act), that construction most beneficial to the widest possible amplitude of its powers must be adopted".

It is now well settled that the mere literal construction ought not to prevail if it is opposed to the intentions of the Legislature as apparent by the Statute; and if the words are sufficiently flexible to admit of some other construction by which that intention will be better effectuated, that should be accepted in place of another which would defeat the very object of the Act, and is repugnant or inconsistent with the rest of the Statute.

It is on these principles that one can try to find out what is the scope of the respective powers under the provisions of the Government of India Act.

Money-lending being in the exclusively Provincial List, whoever does money-lending, bank, corporation or person must come within the scope of provincial legislation. Even though bank, corporation come within Federal subject, it means money-lending functions of these institutions come within the competency of the Provincial Legislature. If promissory notes come within Federal List, it means all other matters except the element of money-lending are Federal while money-lending comes within the provinces. The object of the Act is not in any way defeated by such delimitation. On the other hand, if money-lending is not included, it defeats the object of the Statute in providing money-lending within the Provincial List, and corporations or banks would not cease to function if money-lending is controlled by the provinces.

Let us assume for the sake of argument that money-lending by banks or corporations is a federal subject while money-lending by others are provincial subjects. It is well known that there are some

(1) (1935) App. Cases, 500.
(2) (1936) App. Cases, 578.

persons, institutions and firms in this province, as elsewhere, which are corporations or call themselves banks, and supposing the Provincial Legislature holds that they charge interests as high and extortionate rates of interest as some of the money-lenders, the provinces will have no control over their money-lending transactions. On the other hand the private money-lenders will immediately call themselves banks or form themselves into banks and corporations. The very purpose of the Constitution Act to empower Provincial Legislature to legislate on money-lending and money-lenders with their high interest rates will be stultified. In any case money-lending will then be governed by two laws—banks and corporations by the Federal, private money-lenders by the Provincial and this will eventually lead to most disastrous and grave social consequences. That cannot be the intention behind a great Constitution Act which provides utmost freedom to the Provinces whatever may be the nature of other safeguards and restrictions.

It has been said that the word "regulation" in item 33, is wide enough to include money-lending activities of banks and corporations and my attention has been drawn to a ruling of the Hon'ble High Court of Calcutta reported in 64 C.L.J., page 212, where the Hon'ble High Court interpreted the words "to regulate". It may be noted that this is a case arising out of the Government of India Act of 1919 and the Hon'ble High Court interpreted the word "regulating" in section 80A, sub-clause (*3*) (*e*) ("regulating any Central subject") and section 80A, sub-clause (*3*) (*f*) ("regulating any Provincial subject").

The question which arose in that case was the power of Assam Legislature in passing the Bijni Succession Act of 1931 as to whether a legislature had power under the provisions of the Government of India Act of 1919 and to legislate on individual cases as a local and personal Act.

The Hon'ble High Court in this case interpreted a different Act intended for a different purpose and the scheme of the Constitution was then fundamentally different from what it is to-day and as the High Court in that very case laid down that one of the leading rules of construction of a Statute is that among others, "they should be construed according to the intent" of the legislature which passed it and in case of any doubt arising from the terms employed by the legislature, the court is "to call in aid the ground and the cause of making the Statute". But the more appropriate decision on this subject is what was raised in Canada where the Federal Legislature had the power to pass legislation on "regulation of trade and commerce" and the question was, whether this provision came into conflict with the specific powers of the Provincial Legislature in Canada (Steam Insurance Company of Canada *versus* Parsons) (1). In that case

(1) 7 Appeal Cases, 96.

the question was gone into by the Privy Council and it was held that though the words "Regulations of trade and commerce" in their unlimited sense are sufficiently wide, if uncontrolled by the context and other parts of the Act, to include every regulation of trade and commerce, "the words were not used in this unlimited sense". The collocation of subjects of national and provincial concerns affords an indication that in conferring this power on the Federal Legislature, it could not have been intended that powers exclusively assigned to Provincial Legislature should be absorbed in those given to the Federal Legislature. "It could not have been the intention that a conflict should exist and in order to prevent such a result the two sections must be read together, and the language of one interpreted, and where necessary, modified by that of the other" so that it may be "possible to arrive at a reasonable and practical construction of the language of the section, so as to reconcile the respective powers they contain and give effect to all of them." It is, therefore, necessary even if it be argued that the particular item in the present case bears one literal meaning that the literal meaning of words should be read to restrict, if necessary, in order to afford scope for powers which are exclusively given to the Provincial Legislature, and it would be straining the expressions to their widest possible extent if it is held that the power to regulate vested in the Federal Legislation prohibits control of specific subjects by the provinces which is undoubtedly vested in them.

In any case, as the Speaker of this Assembly, I am anxious that our rights and powers should not be a whit less than what we have. It would be dangerous for the Speaker to throw out far-reaching provision of a very important Bill, unless he is fully satisfied, beyond any reasonable doubt, that the Bill is definitely outside the scope of our powers. That can only be ultimately settled in a court of law where issues are argued and discussed at length day after day, by eminent lawyers on both sides and from all points of view. The Speaker has not the advantage of hearing arguments on all the legal issues and technicalities. Discussions in Parliament are bound to be on political alignments and our rules of debates do not afford us opportunities to have discussions on any other plane, such as is necessary for a judicial decision on such points. We must, therefore, go by a *prima facie* case in our favour and the ultimate responsibility of law and its legal effect must be taken by those who are law-makers.

I hold that we have a *prima facie* case of legislative competency in our favour and this Assembly is competent to legislate on money-lending and to include banks, corporations or promissory notes in dealing with money-lending and money-lenders. I hope, my views will not in any way be taken relating to the expediency or merits of the provisions of the Bill which is entirely for this House to decide. I may

also note that my remarks are only about the general aspects of the Bill, for there are probably some provisions in the Bill which look as if we are trenching into regions where we have no right to go, notably about the method of keeping accounts by banks. I am not satisfied yet in my own mind as to whether this is in order, but we may discuss this later, as specific issues, when these provisions will be taken into consideration.

I may conclude by stating that after I had written this note of mine, I had an opportunity to go through a decision of the Madras High Court given only on the 7th February last on issues raised about the competency of a Provincial Legislature, a copy of which I received only last night. The Hon'ble Chief Justice of the Madras High Court in considering whether Madras Agricultural Relief Act was *intra vires* of a Provincial Legislature has also relied on most of the cases referred to in my note and has in addition referred to another case Channon *versus* Lower Mainland Dairy Products Board (1) in support. There is only one observation in the judgment of the Hon'ble High Court which is very pertinent for our present purpose, viz., "The power to deal with money-lending must carry with it a power to limit the amount to be recovered by the money-lender." I may conclude by stating that the Hon'ble Chief Justice in holding that the Madras Agriculturists Relief Act was *intra vires* of the Provincial Legislation observed as follows:—

> "The Court has, therefore, to look at the Madras Agriculturists Relief Act to see whether it is in substance within the express powers of the Provincial Legislature. If it is, it is not invalidated because incidentally it may affect matters which are within the Federal field."

That in a nutshell puts the case in favour of the Bengal Money-lenders Bill coming within the competency of the Provincial Legislature.

Mr. AHMED HOSAIN: Mr. Speaker, Sir, I think Mr. Khaitan will now be satisfied regarding the constitutional points he raised yesterday. After your masterly ruling on those points he will now desist from raising those again in this House, I hope Mr. Khaitan will reserve all his activities in future for the Federal Court. Sir, it has been proposed that the Select Committee report be recommitted. This piece of legislation—viz., the Money-lenders Bill—has been pending before this House for more than a year. At first it came before this House in the shape of some private members' bills. A large and representative Select Committee was appointed on those Bills, and subsequently they were dropped, and a comprehensive Government Bill was brought in and the Select Committee have now submitted their

(1) 1938, App. Case, 708.

report on that Government Bill. After the submission of the report and after the motion for consideration, again we are face to face with a proposal that the Select Committee report be recommitted. Sir, what is the purpose that this recommittal motion is going to serve, unless the purpose be again to incur an additional amount of expenditure and additional amount of labour. It can by no means be expected that upon such a momentous legislation in which such a large number of interests are involved there is a likelihood of unanimity. Neither the Select Committee nor the House can possibly arrive at unanimity in this matter. Some persons, some groups, some interests have to forego their claims and have to adjust their claims along with those of others. The principle which should guide this House in this matter is the principle of the greatest good to the greatest number. The House should see in what form the Bill is going to give the greatest good to the greatest number. In this House a cry has been raised that the Bill is going to kill rural credit. Mr. Khaitan has termed it as a money-choking bill and Mr. Wordsworth has also attacked it on the score that if this Bill be passed, all rural credit will die out.

In this connection, Sir, I would like to place some facts before the honourable members. Long before the Money-lenders Act of 1933 came into existence, long before the Bengal Agricultural Debtors Act came into operation, credit dried up in our country; it dried up since the advent of the economic depression in the country in 1929 when there was no Money-lenders Act, when there was no Bengal Agricultural Debtors Act. How will my friends explain that phenomenon? To my mind the explanation is that the economic condition of the country changed in such a manner that it became impossible for the debtor to pay up his dues to the creditor; it became impossible for the money-lenders to expect the same amount of profit which they got before. Sir, vast sums of money which the *mahajans* lent out in times of prosperity became hopelessly locked up. The *mahajans* despaired of any return from the debtors, and so they became disinclined to lend more.

Sir, what I have said I can prove by citing facts. In times of acute distress in the years following the year 1929, people could get no money either from the *mahajans* or from the banks and ever since they are not getting any loan for the same reason. Indeed, the *mahajan* cannot lend for the love of lending. Money-lending transactions took place at a time when the commodities, *e.g.*, jute, sold at Rs. 25 a maund and after the depression the price of jute went down to Rs. 3 per maund. It is quite futile, Sir, to expect that the people will be able to pay their debts in the same manner and with the same facility as they used to do when the price of jute was Rs. 25. That is the principal reason, Sir, for which credit in the country has dried up.

Sir, to my mind, the proposition is not so simple, as "Banish the Money-lenders Act", "Banish the Bengal Agricultural Debtors Act" and the country will overflow with the milk and honey of credit. If we like credit institutions to flourish again in the country, we must bring money-lending and money-lenders within the limits of the conditions that prevail at the present time. The money-lenders must adapt themselves to the present conditions, *i.e.*, they must not expect the same amount of profit as they did in pre-depression years.

Besides, Sir, the credit institutions that prevailed in the country took no notice of the fact whether the sums lent were used for productive purposes or for any other purpose. They only lent money; they only cared for their own profit. That sort of credit will not do any good to the country in future. For the future, we must regulate credit in such a manner that the loans which are advanced are advanced strictly for productive proposes and that they are not frittered away in any other activities.

The next point, Sir, which has been pressed by Mr. Khaitan is that this Money-lenders Bill will deal a deathblow to the trade and commerce in the country. I may say, Sir, for his edification that even in the circumstances and state of affairs which are prevailing at the present moment many of Mr. Khaitan's own country-men had to lose their trade and commerce and became almost beggers. Tempted by high profits and rates of interest they invested all they had in money-lending. They gave up their cloth shops and other businesses in order to lend money, and fatten overnight, thereby. In the end, Sir, the money became locked up, and they were face to face with an impossible situation. They lost both their trade and capital. I should like to say to Mr. Khaitan that in supporting this Bill we are actuated by a desire to give relief even to those Marwari gentlemen (Cries of "Hear, hear" from Coalition benches) who have been put in to this miserable position. This Money-lenders Bill, far from destroying trade and commerce and drying up credit in the country, will facilitate the flow of credit and promote trade and industry in the country because it would adjust money-lending to the present economic condition of the country. (Cries of "Hear, hear" from Congress benches.)

Sir, as regards the motion of recommital, I would request the honourable member not to press it. Let us consider the Bill in the House. The thing is before us; it is still in the furnace. Everyone of us has got the liberty of hammering it into proper shape. I would appeal to honourable members not to indulge in delaying tactics.

With these few words, Sir, I support the motion for consideration.

MAULVI RAJIBUDDIN TARAFDAR: এই Money-lenders বিল সম্বন্ধে আমার কিছু বলা আবশ্যক। কারণ গভর্ণমেণ্ট যে তিনটী বিল অবলম্বন কোরে—বেঙ্গল মানি লেণ্ডারস্ বিল রচনা কোরেছেন সেই তিনটার মধ্যে আমারও একটা বিল আছে।

কাজেই এ সম্বন্ধে আমি কিছু না বোলে থাকতে পারছিনে। আমি বুঝিতেছি এই বিল সম্বন্ধে আমাদের এই হাউসে অনেকের মনে নানাপ্রকার সন্দেহ উপস্থিত হয়েছে যে, মানি-লেণ্ডারস্ বিল যদি পাশ হয়ে আইনে পরিণত হয় তাহলে দেশের ভয়ঙ্কর ক্ষতি হবে। এ সম্বন্ধে সেদিন "যুগান্তর" নামক একখানা দৈনিক কাগজেও একটা কৌতুকচ্ছার দেখতে পেলাম। যুগান্তরে একটা হনুমান এঁকে তার লেজে আগুন ধরিয়ে দিয়ে দেখানো হয়েছে যে যদি মানি-লেণ্ডারস্ বিল আইনে পরিণত হয় তাহলে সারা বাংলা পুড়ে ছারখার হয়ে যাবে। যদি ইহা সত্যে পরিণত হয় তবে এ সম্বন্ধে আমার বক্তব্য এই পুড়ে যাবার যে কারণ উপস্থিত হয়েছে তাহা কাদের দ্বারা সংঘটিত হয়েছে? মহাজনেরাই ইহার জন্য দায়ী কি না? এই বিলের প্রস্তাবিত বিষয়গুলি আজকে money-lenderরা যে প্রকার পুরুতের বোলে মনে কচ্ছেন তাঁহারা যদি দীর্ঘদিন ধরে দেশের আবহাওয়ার, শিক্ষা ও সভ্যতার সঙ্গে সঙ্গে নিপীড়িত খাতকদের স্বার্থ একটু একটু কোরে ছেড়ে দিতেন তা'হলে আজ এত বড় পুরুতের বোলে ঘেটা দেখা যাচ্ছে সেটা তত পুরুতের দেখা যেতো না। তাঁরা বহু দিন থেকে নিজেদের স্বার্থকে এমন কোরে আঁকড়ে ধোরেছিলেন যে সুদের সুদ তস্য সুদ, এমন কি চক্রবৃদ্ধি হারেও সুদ আদায় কোরতে ছাড়েন নি। তাঁহারা নিরীহ গরীব এবং অশিক্ষিতদের অশিক্ষার সুযোগ নিয়ে তাঁদের যথাসর্বস্ব হরণ করে লইয়াছেন বলিয়াই আজ এই দায়িত্বশীল Government বিচার বিবেচনা করিয়া নিপীড়িত জাতিকে রক্ষা করিবার জন্য এই বিল আনিয়াছেন এবং সেই জন্যই বিলটির কলেবর এতখানি বৃদ্ধি পেয়েছে। আমি যদি ধরিয়া লই এই বিলে মহাজনদের স্বার্থ অনেকখানি ক্ষুণ্ণ হবে, তবে আমি বলিব ইহা তাঁহাদের ন্যায্য স্বার্থ নহে; ইহা অন্যায় ও অতিরিক্ত। তাঁহারা বহুদিন থেকে নিজেরা অন্যায় স্বার্থকে আঁকড়ে রেখেছেন। অনেক কাকুতি, মিনতি, অনুরোধ, উপরোধ কোরেও যখন সেই স্বার্থের একটু সামান্য অংশও মহাজনদের কবল থেকে বার করা যায় নাই তখন আইনের দ্বারা খাতকদের সেই সমস্ত স্বার্থকে উদ্ধার করার জন্য চেষ্টা হইতেছে।

Mr. DEPUTY SPEAKER: The House stands adjourned for fifteen minutes for prayer.

MAULVI RAJIBUDDIN TARAFDAR: এই Adjournment এর পর আমাকে বোলতে দেবেন?

Mr. DEPUTY SPEAKER: I must now adjourn the House for prayer.

The House was then adjourned for 15 minutes.

(After adjournment.)

MAULVI RAJIBUDDIN TARAFDAR: যাঁরা money-lending business করেন, যাঁরা মহাজন তাঁদের উচিত খাতকদের রক্ষা করবার ব্যবস্থা করা। খাতকদের বাঁচাইয়া যদি কর্জ্জ টাকা আদায় করতেন তাঁহলে আমাদের কারো কিছু বলবার থাকতো না। কিন্তু তাঁরা লক্ষ্যভ্রষ্ট ও নীতিভ্রষ্ট হোয়েছেন। তাঁরা খাতকদিগকে শোষণ করবার জন্য প্রাণপণে চেষ্টা কোরেছেন। সেইজন্য আজ তাঁদের শোষণনীতিকে সঙ্কোচ করবার জন্য এই মহাজনী আইনের ব্যবস্থা করা হোয়েছে। সচরাচর দেখা যায় যাঁরা অপরের পাওনা বা ন্যায্য অংশ দিতে কুণ্ঠা বোধ করেন তাঁদের এই দুনিয়ার উপর এইরূপ দশাই হয়। মানুষ দূরে থাকুক, গাছের ফলও ছোটো হাত দিয়ে ধরা যায় সেটা বেশ অক্ষত অবস্থায় আসে, ছোটো উঁচুতে থাকে সেটাকে ঢিল ছুড়ে আগলে থেকে পেড়ে আনা হয়। আর একটা সহস্র ঢিল ছুড়লেও পড়ে না সেটাকে কি কোরে? পথিকেরা তাকে নীচে

নামিয়ে পাথরের উপর আছাড় মেরে তার ভিতর থেকে মজ্জা তুলে খায়। আজকে money-lenders গণের জন্যও এই ব্যবস্থা হোয়েছে। আজকে মহাজনী কারবারকে সংযত করবার যে দরকার হোয়েছে সেটা কেহই অস্বীকার করে না। কারণ মহাজনেরা এতটা বাড়াবাড়ি কোরেছেন যে দেশকে প্রায় অন্তঃসার শূন্য কোরে ফেলেছেন। এইজন্য আইনের দ্বারা তাদের শোষণনীতিকে বন্ধ করবার দরকার হোয়েছে। আমি যুগান্তরের ক্যারিকেচারের কথা ইতি-পূর্বেই বোলেছি যদি সেটাকে সত্য বলিয়া ধরা হয় তাহলে আমাদের বোলতে হবে যে এই Money-lending Bill টাকে আইনে পরিণত করবার যে চেষ্টা চোলেছে সেটা কিছু অন্যায় নয়। কারণ যুগান্তরের হনুমানের পীঠের উপর লিখে দেওয়া হোয়েছে—" Select Committee " আর তার লেজে দেওয়া হয়েছে "আগুন"। সেই লেজের আগুনে সমবায় বীমা ও লোন কোম্পানীর দালান কোঠা সব পুড়ে যাচ্ছে। যে কাহিনী অবলম্বনে যুগান্তর ঐ ক্যারিকেচারটি করেছেন সেটা ভাবলেই বোঝা যায় হনুমান লঙ্কায় গিয়েছিল সীতাকে উদ্ধার করবার জন্য—কারণ সেখানকার অত্যাচারী রাক্ষসের রাজা রাবণ অযোধ্যার রাজা রামচন্দ্রের বনবাসকালে তাঁহার কুটির থেকে সীতাকে চুরী কোরে নিয়েছিল। ইহাকে দেশের আপামর সাধারণ মহাপাতক বলিয়া মনে করে। সেই অত্যাচারের প্রতিশোধের জন্য ও সীতাকে উদ্ধার করবার জন্য হনুমান লঙ্কায় গিয়াছিল। লঙ্কার রাক্ষসেরা হনুমানের লেজে আগুন ধোরিয়েছিল। তার ফলেই লঙ্কা পুড়ে ছারেখারে গিয়েছিল। যুগান্তরের হনুমানরূপী সিলেক্ট কমিটির লেজের আগুনে যদি পাপ পরিপূর্ণ সুদের প্রতিষ্ঠানগুলি পুড়ে যায় তাহলে সিলেক্ট কমিটিকে কোন রকমেই দোষী করা যায় না। হনুমান লঙ্কা পুড়িয়া যেমন পাপরাশি বিদূরিত কোরেছিল এবং পুণ্যের ও সত্যের রাজত্ব স্থাপন করবার চেষ্টা কোরেছিল আজ Select Committee যদি সমস্ত মহাজনদের পাপরাশি পুড়ে ছারখার করে পুণ্যের রাজ্য প্রতিষ্ঠিত করিতে পারে তা'হলে Select Committee কে কেউ দোষী কোরতে পারে না। বরং সিলেক্ট কমিটি যাহা করিয়াছে তারা সর্বতোভাবে ন্যায় ও পুণ্যজনক।

Mr. JATINDRA NATH BASU: I support the motion for recommittal of the Bill to the Select Committee. Recommittal becomes necessary only when a Bill is so altered by the Select Committee as to make it a different measure from what was originally intended. The Bill that was presented to this House excluded from its operations banks, insurance companies, commercial transactions as also certain other matters. But the Select Committee has introduced provisions which make a vital change in the constitution of the Bill.

I desire to point out that the object of the Government, when they excluded banks and like institutions from the operations of the Bill, was that the economic operations and economic progress of the province might not be interfered with.

Take the case of banks: I am not going into the constitutional question which has been dealt with by your ruling. The banks, as we all know, supply the finance for our import and export trade. We in Bengal rely to a great extent on our jute which we export. We want the money that we can get by exporting our jute. When the jute is exported, on the security of the bill of lading the exporter gets a certain percentage of the price, say, about 75 or 80 per cent. and that money flows into the hands ultimately of the cultivators. If banks are brought within the operations of the Bill, then the money which the banks will be in a position to advance will not be forthcoming,

because you are allowing under the provisions of this Bill, claims to remain outstanding for a period of ten years and even if you obtain a decree, you cannot realise your claim by the execution of the decree. We should further remember that banks can offer this privilege to the growers and to the traders because they find the money from people who have current accounts and who have deposits. We all know that current accounts are payable on demand and deposits are mostly deposits the term of which does not exceed a year, sometimes they are for three months and sometimes for six months. Unless the banks are in a position to pay money held on current accounts on demand and these short-term deposits as soon as they mature, no bank will have any money and the result will be that the public will not have the facility of exporting their jute. The jute will rot here and the growers of the produce will be without the money value of their produce. There will be no use for this produce and it will be useless. If you interfere with the bank operations by enacting the provisions of this Bill, you injure the assets of the province

The same is the case with insurance companies. If I have a parcel of jute to be sent from Sirajganj to Calcutta, I insure it, because on the way the jute is likely to be destroyed by fire. If you do not exclude insurance companies from the operation of this Bill, a large part of the assets of the insurance companies may become locked up by the operations of this Act, so that when I, the poor cultivator, despatch my jute from the mufassil station either to the exporting *mokam* or to Calcutta, and present my claim to the insurance companies, in the event of loss, they will say: "Wait, our money is locked up and we cannot get our money immediately." In that way it is the cultivator that will suffer.

Take life insurance. No doubt the new Insurance Act that will shortly come into force, requires that a large part of the money of the insurance companies will have to be invested in gilt-edged securities. But there will also remain a large part which will be invested otherwise. Why should those investments be obstructed by the processes of this Bill? You insure your life, and the policy matures either by death or by the expiry of the term of insurance. But when you present your claim to the insurance company, they will say that their resources are locked up by the operations of this Act and the persons to whom they lent money had applied for deferring payments for ten or twenty years. In that way payment will be deferred, while the poor widow and the little children for whose benefit the insurance was effected will starve.

Then as regards the application of this Act to provident funds. Those who have any experience as employers, for instance on school

committees know that at every meeting of the school committees teachers come to you for loans and those provident funds will have to be registered as money-lenders; otherwise they cannot advance money, and the money in their hands will not be available at a low rate of interest as it was intended to be.

Now take the case of co-operative societies to which Mr. Wordsworth has referred. You must remember that at the present stage the work of the co-operative movement in this province depends to a very great extent on depositors' money. More than 90 per cent. of the money of these societies come not from shares but from deposits from outsiders and if you apply this Act to loans by co-operative societies which are at a comparatively lower rate of interest than those by ordinary *mahajans*, then you score away the sources from which the assets of the co-operative societies are derived. I have some experience of co-operative banks, because I preceded Mr. Wordsworth in the office which he now occupies. The Provincial Bank, which has nearly three crores of rupees, has spread a large part of its money all over the province, but when the time comes for payment, everybody says he cannot pay. I attended some meetings of co-operative banks. In a particular district, a meeting was held in which representatives of nearly 750 co-operative societies were present. They thought that the provincial co-operative bank at the apex only existed to find money which had probably dropped from heaven for them and which money need not be returned. Now the Provincial Bank here has to obtain deposits in competition with nearly 50 other banks in the metropolis and any day when the Provincial Bank cannot pay back its deposits on the due date, its depositors will go away to other banks in the metropolis and the Provincial Bank will be absolutely without any means to help agriculture or anything else in the province. That should be remembered. If you include co-operative societies within the purview of this Bill, you will prevent prompt realisation of moneys by these societies, societies which the Legislature has set up for the benefit of the people to enable them to obtain money at comparatively cheap rates but by this Bill when a co-operative society seeks to recover money, the society will have to wait for 15 years. But its depositors won't wait 15 years. The deposits are only for three months, six months or at the most a year. After that the money will have to be repaid. What happens? Nobody comes back to redeposit his money with such an institution. You are thereby, if you include these institutions within the operation of this Act, injuring your own people, preventing people from having the facilities which these societies offer. I therefore, Sir, think that the alterations made in the Select Committee have gone against the intentions of the Government. The Government excluded these institutions in order, to keep the facilities which the ordinary economic operations

of this province and our general economic advancement from the lowest to the highest grade require. That has been taken away by the alterations that have been made. I therefore support the amendment.

Mr. R. B. WHITEHEAD: Mr. Speaker, Sir, I rise to support the motion moved formally by Mr. Millar. I speak, Sir, with considerable diffidence after all that has been said by experienced speakers and commercial men and I can only speak as an ordinary businessman. Mr. Khaitan, apart from dealing with the powers of this Provincial Legislature, which you, Sir, dealt with so illuminatingly, put forward points which must bear very considerable weight with all those who have to deal with business concerns. He spoke of the complete choking of the rivers of credit in this province. Mr. Wordsworth also dealt with Co-operative Banking as has Mr. Basu and made clear to us at least what he thinks will be the effect of the Bill as it has come to us from the Select Committee. We have heard points of view different from those of Mr. Wordsworth's on the same subject. But I think most of us are inclined to agree that his wide knowledge of it and his extensive knowledge of the country and countryside and the conditions existing in the villages amongst the agriculturists must bear weight with all of us. Yesterday, Sir, when the honourable member from Cox's Bazar declared modestly that he was hardly capable of following such speakers as Mr. Khaitan and Mr. Wordsworth, he went on very eloquently to describe the Utopia in which no interest at all was paid on any money lent. Sir, I would liken him, if I may, to the young man who took a pink pill to turn his dreams into technicolour films.

While Mr. Wordsworth was speaking yesterday, Maulvi Abu Hossain Sarkar asked why we did not go straight away to vote with the Government. Honourable members are aware that my party's position, the European Party's position, has been very clearly stated many times on the floor of the House. We hold ourselves free to assist in fostering legislation which we feel is for the general good of the province. Equally, we hold ourselves quite free, to oppose such legislation as we do not think good for the province. We are not opposed to legislation for the regulation of money-lending. We are willing to support further legislation which is properly applicable to rural areas. But the present Bill, Sir, as it has emerged from the Select Committee, appears to us almost entirely objectionable. It has brought in commercial loans and loans advanced by banks, co-operative societies and insurance societies within the scope of the Bill. The proposals to give retrospective effect to the reduction of rates of interest and to other provisions of the Bill are more than unfair, and visualise destruction of dues which have already accrued under the ordinary commercial procedure of to-day. Unless, Sir, we receive definite

assurances on the floor of this House that Government will move amendments dealing with the features which we consider objectionable and will assure us that the other points which we have raised will be the subject of favourable negotiations, we should feel ourselves unable to vote in favour of this Bill. I therefore support the amendment of Mr. Millar.

Babu KSHETRA NATH SINGHA: Mr. Speaker, Sir, I do not like to enter into the labyrinths of discussion as to whether this Legislature has got any authority to legislate over this matter of money-lending or whether this Government is required to have previous sanction from the Governor-General. I am not going to do that. Simply I ask Mr. Khaitan whether this provincial autonomy of ours is an improvement on former bureaucratic India Act. I seriously ask Mr. Khaitan whether this provincial autonomy of ours is a real and tangible gift to India or to Bengal; then we must have some improvement over the former Act.

Sir, in the former Act the provinces were given the power to legislate over these matters of money-lending, and the former bureaucratic Government passed the Usurious Loans Act, the Money-lenders Act, and the Bengal Agricultural Debtors Act. But, Sir, Mr. Khaitan was telling us, shownig all these books in volumes from the archives of his precious library, that this Government has no authority to legislate over this money-lending business. If that be so, then I ask Mr. Khaitan to throw all those books into the Ganges or into the Bay of Bengal, or if that is not sufficient, deeper still into the Indian Ocean. If this provincial autonomy is a real thing, then it must be worked and worked for the benefit of the people of the province. I must ask Mr. Khaitan whether the principle of *damdupat*, which we have entered in this Bill, is a real one. He must know what is the meaning of *damdupat*, he being the son of a Hindu. He must remember that *damdupat* is a very old thing in the Hindu Law and that it was entered in our legislative enactment of 1930, viz., the Usurious Loans Act, and subsequently in the Money-lenders Act of 1933, although that has not been properly but restrictively applied. Sir, we tried in the Select Committee to make it clear in the Bill so that this principle of *damdupat* might be properly applied in its restricted sense. *Damdupat* under the Hindu Law means not more than double the principal amount in any case, and we have tried our best that the total amount should in no case exceed what is provided for in the system of *damdupat*. We have not introduced anything in the Select Committee that is new or injurious to the country. We have only reintroduced an old system based on the ancient Hindu principle of *damdupat* and I submit, Sir, that we have done nothing wrong.

Sir, as regards the rate of interest and about payment by instalments without interest, the law courts are already giving decrees though not unfrequently on all these points. My friend Mr. Khaitan could have objected to the provisions in the old Money-lenders Act when it was being passed in this House. But, Sir, he did not do that. He did not shed crocodile tears at that time for the good of the people. Why, then, has he now come with all his force and his books to prove that this Government has got no power to do this. But now that you, Sir, have given your ruling on that point, namely, that this Provincial Legislature has got power to legislate over the business of money-lending, I hope my friend will rest satisfied.

Then, Sir, about the point raised by Mr. Khaitan that the people will not get credit if this Bill be passed into law, I must say that Mr. Khaitan of all persons should not shed crocodile tears for the good of the people whom he is going to kill. Sir, the people have outlived the economic depression for seven or eight years; they have not already died, and they will from now onwards work with this satisfaction that in future they will not have to pay any debt to the *mahajan*. If they have outlived those dark days of economic depression, they will certainly live somehow or other in future. Mr. Khaitan says that if you pass this law, these people—these "ferocious tigers"—will come out and take the place of the tame "horses" of his. This reminds me of a Bengali proverb—

হুমো বাঘ ভেঙেছে খাঁচা
এ যে পাহাড়ে বাঘ, বেয়াড়া রাগ
দায় হবে এর হাতে বাঁচা।

Sir, these হুমো বাঘ's, these ferocious tigers, are out to do their duty and to show that they are in their proper element; they just demand their own right and that they must have at any cost. They do not care whether they live or die, but they must have their pound of flesh.

Sir, Mr. Khaitan need not be afraid of these tigers, but he must give them what is their due and what they are privileged to have. That is what we want. We must know that we are here to live and not to die. If money-lenders are afraid of investing their money in loans, let them invest their money in commerce, trade and industries for the good of the country and prosperity of its people. But let them not make the people poorer by their own hankering activities. Sir, if they continue in this way the money-lenders will drive us to Bolshevism or Communism where there is no money, no money-lender—all work but no starvation. And if my friends are afraid of these things, they should know that the people must live and must have something to eat. Sir, our motto is that these tigers must live somehow or other, and they must have their daily prey to live upon.

(At this stage the member having reached the time-limit, resumed his seat.)

Maulvi MD. MOZAMMEL HUQ:

মাননীয় সভাম্যু মহোদয়, আমাদের কংগ্রেস গ্রুপের বন্ধুগণ বলিয়া থাকেন এই Ministry বা মন্ত্রীমণ্ডলী কিছু করে নাই—একে বদ্‌লাইয়া দাও, আর কংগ্রেসী কাগজ-গুলিও বড় বড় অক্ষরে ছাপাইয়া থাকেন—এই Ministry বা মন্ত্রীমণ্ডলী কিছু করে নাই, এদের সরাইয়া দাও। কিন্তু আমাদের এই Ministry বা মন্ত্রীমণ্ডলী Bengal Tenancy (Amendment) Act বা বঙ্গীয় প্রজাস্বত্ব সংশোধন আইন পাশ করিয়া দিয়া দেশের গরীবের কত মহোপকার সাধন করিয়া দিয়াছেন, তাহা দেশবাসিগণ সকলেই জানেন। এদেশের মহাজনগণ এদেশের গরীব প্রজা এবং খাতকদের উপর কি রকম অত্যাচার করিতেছেন, তাহাও সকলেই জানেন। সে অমানুষিক অত্যাচারের উপর অত্যাচার উহারা যখন সহ্য করিতে পারে নাই, তখন ভূতপূর্ব্ব গভর্ণমেণ্টের নিকট উহারা প্রতিকারের জন্য আসিয়াছিল। কিন্তু উহাদের চীৎকার তখনকার গভর্ণমেণ্টের কানে ঢুকিতে পারে নাই। তখনকার গভর্ণমেণ্টে রাজা, মহারাজা, জমিদার, ধনিক ও বণিক দল লইয়া কাউন্সিল গঠিত ছিল। সেখানে গরীবের প্রতিনিধিরা ঢুকিতে পারিত না। কিন্তু বর্ত্তমানে প্রজা-দরদী স্বদেশী গভর্ণমেণ্ট প্রতিষ্ঠিত হওয়ায়, এই গভর্ণমেণ্ট প্রজাদের দুঃখ দূর করার জন্য Bengal Tenancy (Amendment) Act পাশ করিয়া গরীব প্রজা ও খাতকদের দুঃখ দূর করার জন্য বর্ত্তমান Money-lenders (Amendment) Bill বা মহাজনী আইনটাও এখানে আনিয়াছেন। আর এই বিলটার সম্বন্ধে এতটা বিবেচনা করিয়াছেন যে অন্যান্য Select Committee তে মাত্র ১৭।১৮ জন করিয়া মেম্বর থাকে। আর এটার সম্বন্ধে ৩৪টি লোক নিয়ে Select Committee গঠন করা হোয়েছে, এই উদ্দেশ্যে যাহাতে সকল দলের সকল গ্রুপের লোকই এই Select Committee তে নিযুক্ত হওয়ার সুযোগ পায়। সেজন্যই এই ব্যবস্থা করা হোয়েছে এবং সকল দলের লোকই উক্ত কমিটিতে স্থান পেয়েছে। তার ভিতর মিঃ দেবীপ্রসাদ খৈতানও একজন মেম্বর ছিলেন। তিনি একজন বড় ধনী এবং কুসিদজীবি, অধিকন্তু আইন ব্যবসায়ী মাড়োয়ারী। তিনি বড়বাজারের বড় বড় মাড়োয়ারী মহাজনদের দালাল এবং আমার এক বন্ধু বোলেছেন মিঃ ওয়ার্ডসওয়ার্থও চৌরঙ্গীর ইংরেজ ব্যবসায়ীদের দালাল। মিঃ খৈতান Money-lenders বা মহাজনদের স্বার্থ রক্ষার জন্য যতটা তাঁহার শক্তিতে ছিল, ততটা চেষ্টা ও লড়াই সিলেক্ট কমিটিতে করিয়াছেন। কিন্তু দেশবাসীর প্রতিনিধি যাঁহারা সিলেক্ট কমিটিতে ছিলেন, তাঁহারা সকলেই একযোগে মিঃ খৈতানের কার্য্যে বাধা দিয়াছেন। সেইজন্য Money-lenders বা মহাজনদের শোষণনীতি আর ততটা রক্ষা হইতে পারে নাই। মহাজনগণ এতকাল দেশের দরিদ্রদের শোষণ করিয়াছে। মিঃ খৈতান তাঁহার বক্তৃতায় বলিয়াছেন— Government Money-lenders Bill টাকে একটি ঘোড়ারূপে দাঁড় করাইয়াছিলেন, কিন্তু Select Committee ঐ ঘোড়াটাকে একটা ferocious tiger এ পরিণত করিয়াছেন। আমি বলিব—বিলটাকে হিংস্র ব্যাঘ্রে পরিণত করারও যথেষ্ট কারণ রহিয়াছে। Money-lenders বা মহাজন প্রথমে যখন এদেশে সুদের কারবার আরম্ভ করিয়াছিল, তখন লোকদের গায়ে হাত বুলাইয়া টাকা ধার দিয়াছিল। তারপর তাহাদের আসল টাকা ও চক্রবৃদ্ধি সুদের জন্য খাতকদের জমাজমি ভিটাবাড়ী সব কিছু ডিক্রী করিয়া নিলাম করিয়া লইয়া গিয়াছে। আমি ভোলার একজন মহাজনকে জানি। সে একজন কৃষককে দুই মণ চাল ধার দিয়াছিল। তার দাম ছিল মাত্র ১৬৲ টাকা। যখন সেই লোক সে চাল বা তার দাম পরিশোধ করিতে অক্ষম হইল, তখন তাহার নিকট হইতে দলিল নেওয়া হইল। এইরূপে ক্রমাগত দলিল বদল করাইয়া compound interest বা চক্রবৃদ্ধি হারে সুদের সুদ ঐ লোকটির নিকট হইতে আদায় করিয়া দুই মণ চাউলের দাম ১৬৲ টাকার জায়গায় উক্ত মহাজন উক্ত নিরীহ ও নিরুপায় কৃষকের দুই হাজার টাকার সম্পত্তি হজম করিয়াছে এবং সেই বিষয়টির সম্বন্ধে সে আমার নিকট গর্ব্ব করিতে লজ্জা বোধ করে নাই। তখন উক্ত মহাজন বুঝিতে পারে নাই যে দেশের অবস্থার এরূপ পরিবর্ত্তন হইবে এবং প্রাদেশিক স্বায়ত্ত-শাসনের ফলে আমরা দেশের বহু প্রজা-দরদী সভ্য এসেম্বলীতে ঢুকিয়া প্রজার হিতার্থে আইন কানুন প্রণয়ন দ্বারা এরূপ অর্থগৃধ্নু নর-পিশাচ "সাইলক" শ্রেণীর মহাজনদের টুঁটি চাপিয়া ধরিয়া তাহাদের অন্যায়

বন্ধবাঁধন ছিন্ন করিয়া দিয়া তাহাদের কুক্ষি হইতে লক্ষ লক্ষ কৃষক-প্রজা খাতককে মুক্ত করিয়া দিব। মাত্র ১৬৲ টাকা ধার দিয়া তৎপরিবর্ত্তে দুই হাজার টাকার সম্পত্তি হস্তগত করা নিরীহ ও নিরুপায় দরিদ্র কৃষক-প্রজার উপর কত বড় অত্যাচার! কত বড় অবিচার! ও কত বড় নিষ্ঠুরতার কার্য্য তাহা আপনি বিবেচনা করিয়া দেখিবেন। ভোলাতে এমন সব কুসিদজীবি মহাজন আছেন, যাঁরা ঢাকা, ফরিদপুর ও অন্যান্য স্থান হইতে খালি হাতে আসিয়া Money-lending বা টাকা লগ্নীর ব্যবসা করিয়া চক্রবৃদ্ধি সুদ আদায় করিতে করিতে ২।৩ লক্ষ টাকার সম্পত্তি করিয়াছেন। ইঁহাদের মধ্যে অনেকে প্রথম অবস্থায় মাথায় করিয়া হাটে হাটে তামাক বিক্রিও করিতেন। তারা কতশত লোকের যে ভিটা বাড়ী, বাগ বাগিচা, নাল জমি ও বিষয় সম্পত্তি বিক্রয় করিয়া তাহাদের সর্ব্বনাশ করিয়া তাহাদিগকে একেবারে পথের ফকির করিয়া দিয়াছে, তাহার ইয়ত্তা নাই। এতকাল পর্য্যন্ত এই সকল Money-lender বা কুসিদজীবী মহাজনদের হাত হইতে খাতকদিগকে রক্ষা করিবার জন্য গভর্ণমেণ্টের হাতে কোন ব্যবস্থা ছিল না। চক্রবৃদ্ধি আইনের দ্বারা উহারা এতকাল লোকদিগকে শুষিয়া নিয়া একেবারে অন্তঃসার শূন্য করিয়া দিয়াছে। আমাদের মাননীয় সভ্যমুখ্য মহোদয় দেশের গরীব লোকদের রক্ষার জন্য একটা Bill আনিয়াছিলেন, সেজন্য তিনি দেশের ধন্যবাদার্হ। তিনি এতটা উপকার করিয়া দিয়াছেন যে মহাজনগণ খাতকের নিকট হইতে তাহাদের প্রদত্ত টাকার ডবলের বেশী কিছুই নিতে পারিবে না। কিন্তু আর্থিক দুর্গতির জন্য এখন দেশের এমন অবস্থা হইয়া পড়িয়াছে যে ডবল দিবার এখন কাহারও ক্ষমতা নাই। এখন আমরা এই মহাজনী আইনের সংশোধন বিলে যাহা করিয়াছি তাহাতে দেশের গরীব লোক বাঁচিতে পারিবে। সেই জন্যই আমার মাড়োয়ারী বন্ধু মিঃ খৈতান বলিয়াছেন—ঘোড়াকে ferocious tiger হিংস্র ব্যাঘ্রে পরিণত করা হইয়াছে। কিন্তু ওরা যে হাটে হাটে তামাক বেচে শেষটায় মহাজনী কারবার খুলে প্রথমে টাকা দিবার বেলায় নিজদিগকে মেষশাবকের মত নিরীহ দেখাইয়া টাকা আদায় করার সময় হিংস্র ব্যাঘ্রের মূর্ত্তি পরিগ্রহপূর্ব্বক কত লোকের ভিটেমাটী বিক্রয় করিয়া তাদের একদম কাঙ্গাল করিয়া পথের ফকির করিয়া ছাড়িয়া দিয়াছে, সে বিষয়ে আমার বন্ধু একবারও চিন্তা করিয়াছেন কি? তা করিবেন কেন? এ অবস্থা দেশে এখন আর কিছুতেই থাকিতে পারে না। ভূতপূর্ব্ব গভর্ণমেণ্ট যখন ছিল, তখন যদিও এ অবস্থা ছিল; এখন আমাদের Provincial Autonomy বা প্রাদেশিক স্বায়ত্ত-শাসনের আমলে দেশের এই শোচনীয় অবস্থা একদিনের জন্য আর থাকিতে পারে না। আমরা দেশের লোকদের এখন বাঁচাইব এবং তজ্জন্য যত রকমের আইন করিতে হয়, করিব। গভর্ণমেণ্ট যে আমার বন্ধু মিঃ খৈতানের কথামত একটি ঘোড়া দিয়াছিলেন, তাহার কারণ বর্ত্তমান গভর্ণমেণ্টের এখনও চক্ষুলজ্জা আছে। কিন্তু আমাদের মোটেই কোন লজ্জা নাই। আমরা দেশের লোকের প্রতিনিধি—চক্ষুলজ্জা করিয়া তাহাদের অহিত করার অধিকার আমাদের নাই। আমরা যখন দেখলাম, মাড়োয়ারী কুসিদজীবী মিঃ খৈতান ও কতক কংগ্রেস মেম্বর গভর্ণমেণ্টের ঘোড়াকে মেষ বানাবার জন্য আপ্রাণ চেষ্টা করিতেছেন, তখন আমরা section বা ধারাগুলিকে সংশোধন করিয়া ferocious tiger বা হিংস্র ব্যাঘ্রে পরিণত করিয়াছি এই উদ্দেশ্যে যে এই মহাজনী আইনের ব্যাঘ্র কামড়িয়ে কামড়িয়ে এই দেশ থেকে কুসিদজীবীদের দূর করিয়া দিয়া নিরাশ্রয় কৃষক-প্রজা খাতকদিগকে রক্ষা করিতে পারে। অবশ্য আমরা ইহাও জানি যে money-lending বা টাকা লেনদেন ছাড়া দেশের মধ্যে কোন শিল্পবাণিজ্য চলিতে পারে না। সেই জন্য মহাজনের দরকার। কিন্তু তাহলেও কুসিদজীবীরা দেশকে এমনভাবে শোষণ করিয়াছে—এমনভাবে দেশের মেরুদণ্ডস্বরূপ কৃষকদের সর্ব্বনাশ করিয়াছে যে আমরা দেশের মঙ্গলের জন্যই ঘোড়াকে ferocious tiger বা হিংস্র ব্যাঘ্রে পরিণত করিতে বাধ্য হইয়াছি। ইহাতে Mr. Wordsworth (মিঃ ওয়ার্ডসওঁয়ার্থ)এর হানি হইতে পারে —ক্ষতি হইতে পারে। তিনি বিদেশ হইতে আসিয়া আমাদের দেশের লোকের যথাসর্ব্বস্ব লুটিয়া লইয়া পেট মোটা করিয়া তাহাদের দারিদ্র্যের উপর—দুঃখের উপর হাসিঠাট্টা করিয়া আনন্দিত হইতে পারেন। কিন্তু আমরা আমাদের দেশের লোকদের যাহারা অনিষ্ট করিতে চাহিবে, তাহাদের আমরা হয় টুঁটি চাপিয়া ধরিয়া বাহির করিয়া দিব, নয় ত ধ্বংস করিব। সে

যাহা হউক, বর্ত্তমানে আমরা ঘোড়াকে tiger বা ব্যাঘ্র করিয়াছি, কিন্তু দরকার হইলে এর চেয়েও বড় একটা কিছু করিতে হইবে। দানবকে মারিতে হইলে মহাদানবের দরকার—গভর্ণমেণ্টের ঘোড়াদ্বারা দেশের মহা অনিষ্টকারী কুসিদজীবী দানবকুলকে কিছুতেই মারা যাইবে না। ইহাদের না মারিলে দেশ কিছুতেই বাঁচিবে না। কাজেই দরকার হইলে দেশের মঙ্গলের জন্য এই আইনকে মহাদানবেও আমরা পরিণত করিব। Sir P. C. Roy বহুদিন আগেই বলিয়াছেন যে বিদেশী বর্জ্জন কর—বিদেশী লোকদিগকে বাঙ্গলা হইতে বিতাড়িত কর। বিদেশীরা ব্যবসা বাণিজ্য করিয়া এদেশ হইতে বিদেশে কোটী কোটী টাকা লইয়া যাইবে এর ফল ভাল হইতেছে না। আমি তখন বলিয়াছিলাম, বিদেশীরা যখন আসিয়াছে, থাক, নিরীহ বেচারীরা। (Laughter) কিন্তু এখন দেখিতেছি বিদেশী নিরীহরা কি রকম ferocious বা হিংস্র হইয়া আমাদের দেশের নিরাশ্রয় লোকদিগকে এখন কামড়াইয়া কামড়াইয়া ভক্ষণ করিতেছে। দেবীপ্রসাদ খৈতান মহাশয় এখানে আসিয়া এদেশের টাকা দ্বারা কি রকম বিরাট সৌধ নির্ম্মাণ করিয়াছেন, মাড়োয়ারী ও ভাটিয়া সম্প্রদায় এদেশের কোটী কোটী টাকা শোষণ করিয়া লইয়া কিরূপ বিরাট ঐশ্বর্য্যশালী হইয়াছে তাহা আপনি জানেন। ইহা কিসে সম্ভব হইয়াছে? এই দরিদ্র দেশকে শোষণ করিয়াই বিদেশী ইংরাজ, মাড়োয়ারী এবং ভাটিয়া সম্প্রদায় এতটা উন্নতি করিতে সমর্থ হইয়াছে। কিন্তু আমি তাহাদিগকে warning বা সাবধান করিয়া দিতেছি যে, এখনও যদি আমাদের সঙ্গে তাহারা আমাদের দেশের মঙ্গলজনক কার্য্যে সাহায্য না করিয়া কোন রকম গোলমাল করেন, তাহা হইলে আমরা এমন উপায় অবলম্বন করিব, যাহার ফলে তাহাদিগকে আমাদের এই দেশ ছাড়িয়া চলিয়া যাইতে হইবে। মাননীয় সভ্যমুখ্য মহোদয় সেদিন তাঁহার অগাধ পাণ্ডিত্যপূর্ণ বুলিং দিয়া ঘোষণা করিয়া দিয়াছেন যে বঙ্গদেশে আমরা আমাদের দেশের মঙ্গলের জন্য যে কোন আইন পাশ করিতে পারিব। তাই বলিতেছি, বিদেশীগণ বঙ্গদেশে আমাদের সঙ্গে সদ্ভাব করিয়া না চলিলে এবং পূর্ব্ব স্বভাব না বদলাইলে, আমরা শীঘ্রই বঙ্গীয় ব্যবস্থা পরিষদে "বিদেশী বিতাড়ণ আইন" পাশ করিয়া তাহাদিগকে এদেশ হইতে তাড়াইয়া দিব।

মিঃ ওয়ার্ডসওয়ার্থ সাহেব এদেশে সুদের কারবারের এবং চক্রবৃদ্ধি সুদের কায়েমী বন্দোবস্ত করিতে প্রাণপণ চেষ্টা করিতেছেন। কিন্তু তাঁহারই দেশের বিশ্ববিখ্যাত বড় কবি সেক্সপিয়র বলিয়াছেন:—Neither a vender nor a borrower" অর্থাৎ "টাকা ধার দিবেও না অথবা টাকা ধার নিবেও না।" আর মিঃ ওয়ার্ডসওয়ার্থ সাহেব সেই ইংলণ্ডের লোক হইয়া আমাদের দেশের লোকদিগকে টাকা ধার দেওয়ার জন্য এত চেষ্টা এত ক্রন্দন করিতেছেন। আমরা আর টাকা ধার চাই না। টাকা ধার দিতে হইলে এদেশ ত্যাগ করিয়া গিয়া সাগর পার হইয়া গিয়া ইংলণ্ডে টাকা ধার দিন্। টাকা ধারের বুজরুকী আর খাটিবে না।

(At this stage the member having reached the time-limit resumed his seat.)

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Speaker, Sir, I think that Mr. Wordsworth deserves our thanks in some measure for having coated a very bitter pill with somewhat sweetened anecdotes, for I desire to assure Mr. Wordsworth and his fellow members that this Bill is of vital importance to the people of the province. We cannot treat it in a light-hearted manner, and it is essential for us for the happiness of the people of this province that a Bill to regulate money-lending and money-lenders should be passed at as early a stage as possible.

I was a little amazed, if I may say so, at the attitude of Mr. Wordsworth and his Group, because hitherto I was under the impression that

his Group consisted mostly of borrowers either for commercial transactions or for their own purposes. The solicitude which I find in them for the money-lender surely puts us on our guard and must make us realise that the Bill may have to be amended in such a manner as to provide that the sources of credit in this country do not dry up. But, at the same time, I would like to direct the attention of his Group to the fact that it will be difficult for him to appreciate the condition of the majority of the borrowers of this province. If they are borrowers, they stand as a separate class by themselves. They are not in such a position that the money-lenders can take advantage of their helplessness and, to use a somewhat bitter expression grind their faces in the dust. But the majority of borrowers of this country are in a different position. They are helpless and for ages past the money-lender has been able to take advantage of their helplessness and to have brought them down to such a stage of poverty and desperate circumstances that relief has become absolutely essential.

We are not unmindful of the result if we put through a Bill of such a nature which affects the rights of a vast number of people. We have got to be just to all parties. We have got to be just to the debtor first. We have got to see that he is rescued from his helpless position. We have got to be just to the creditor, to the good creditor and to the good money-lender and we have also got to see that the sources of credit do not dry up, and for the sake of the borrower, we have got to see that he is able to secure money in a cheap market. But, at the same time, we cannot, because there are some good money-lenders, pass laws which will protect all money-lenders, good and bad. In all our measures, we shall have to see that injustice is not ultimately done and we claim that the Select Committee has in a very large measure attempted to strike the middle course. If they have failed to some extent, it is for this House to set it right; if there are certain indiscretions in the report, if there are certain matters in the report to which they have not been able to give ample consideration, I feel perfectly certain that the House is competent to set matters right. So far as Government are concerned, we are ever ready to pay the greatest attention and consideration to the views of the members of this House—from whichever party these views are placed before us. We are prepared to pay attention to the views of the European Group and we trust that from the discussion which will take place on the floor of this House, we will be able to arrive at a certain *via media* which may be useful and which may result in producing a Bill of real benefit to the people of this province.

Sir, it will be, in effect, painting the lily if I were to refer after your ruling to the position of banks and promissory notes and try to convince this House that banks and promissory notes and such like matters, that appear to be under the exclusive jurisdiction of the

Central Legislature, can very well be considered by the Provincial Legislature. I would ask the honourable members, particularly the European Group, who do not seem to be conversant with money-lending business in the mufassil areas, not to think that all banks are institutions that are solidly placed on an international footing and which lend money to borrowers at reasonable rates of interest. There are banks and banks. There are institutions which parade as banks but which are really loan offices of such a nature that they are able to pay at the expense of hapless and unhappy agriculturists and of the unhappy people of this province, dividends at the rate of 200 per cent. or 75 per cent. or 80 per cent. Honourable members——

Dr. NALINAKSHA SANYAL: I do not know of any loan offices which pay 200 per cent. dividend.

The Hon'ble Mr. H. S. SUHRAWARDY: Are you not aware of loan offices which have paid 80 per cent. dividend? Fortunately these loan offices to-day are not in a position to do so and have sent in their applications for winding up. But there have been loan offices which have paid a dividend of 80 per cent. to their investors. There have been loan offices which have charged interest from 37½ per cent. to 75 per cent. for their borrowers. Are these reasonable rates of interest? Should these helpless people not be protected from the operation of such loan offices which parade as banks? If honourable members opposite can find out the means of saving the people from loan offices of such a nature which parade as banks but which are not really banks, we shall certainly be prepared to consider their rights and not encroach upon banks which have an international status and which really function as banks. These are matters which can be thrashed out on the floor of the House.

Mr. Wordsworth and his group will pardon me if I say that I have not found any reason on their side for the recommittal of this Bill. We can, on the floor of this House, certainly come to very reasonable conclusions and I can assure them that Government and the members who are supporting the Government, are too anxious to place on record a Bill which may be workable and which may be beneficial to all parties and bring justice to all. I hope, Sir, that the European Group will, in view of the fact that we are anxious to pay attention to the views of all parties in the House, be disposed to withdraw the motion for recommittal.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I was thinking that a long speech will be necessary to meet my friend, Mr. Khaitan, who has become famous during the last two days. But, Sir, your ruling has traced all the legal technicalities and points

that have been raised by my friend, Mr. Khaitan. I do not like to tread upon these again. I would simply like to tell him that I do not understand how he considers this piece of legislation as, in any way, of a revolutionary character, as he has pointed it out to be. I know that he is the author of that very Act which has actually disturbed the capital of the country. The Bengal Money-lenders Bill is his draft. After having drafted a Bill like that, if he now says that I have drafted a worse Bill, I think, he is doing wrong to me. So I want to tell him that if any wrong has been done to the capital of the country by the Agricultural Debtors Act, he is the person responsible for that and not I——

Mr. DEBI PROSAD KHAITAN: On a point of personal explanation, Sir. It is not the author of the Bengal Agricultural Debtors Act, who is responsible for the drying up of the credit of the province, but it is the mal-administration carried on by the Government.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: My friend after having destroyed the capital of the country, now poses as a friend of the capitalists. I believe, this position he should not have taken. I may request him, in all seriousness, to understand the implications of the different sections of the Bill to which we have tried to give a shape. If my friend now says that we have made such an innovation in the existing law, that it would bring in a disaster to the country, I will say that he has not understood the implications of these sections. (Cries of "Hear, hear" from the Coalition benches.) I may tell him that probably he has forgotten the very basis of all our efforts. He ought to know that a large number of sections to which he took exception is nothing but the verbatim reproduction of the Usurious Loans Act. He thinks that we have allowed the opening of accounts and of old transactions which are closed. Does he not know, I want to ask him, the wording of clause 3 of the Usurious Loans Act of 1818 (laughter)? 1818 is more remembered than 1918, here I should say 1918.

Mr. DEBI PROSAD KHAITAN: On a point of information, Sir. Can the Judicial Minister read the section before referring to it?

Dr. NALINAKSHA SANYAL: He has a great responsibility.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I hope Mr. Khaitan will read it himself. (Laughter.) He must know that when a man is speaking with authority (laughter) he must have read the book. Do you mean to say that without reading the book I am speaking on this point?

I appeal to the members of the House that before they are carried away by speeches and speeches alone which mean nothing and which will lead them nowhere, they should meditate and seriously consider whether they are right in now proposing that this Bill should be recommitted to a Select Committee. My friend Mr. Suhrawardy has told the House what his opinion is in this matter and that, I may tell the House, is the opinion of the Government as a whole. After having heard that opinion, I believe, the European group would not be justified in demanding that this Bill should be recommitted to a Select Committee. I must tell my friends here that there is a vast difference between working in a Select Committee and working in a house like this. Here you have the advantage of one thing and it is this: that whatever is to be discussed here must be put in the form of a report and timely notice of all the amendments that are to be proposed must be given, but in a Select Committee all of a sudden a proposal may come in a desultory manner from one corner of the committee and you are to dispose of that without notice. That is the position which my friends ought to understand. Here in this House whatever be the merits of the Bill, whatever be the difficulties that you may have to face, you know that you are confining yourselves within the four corners of the programme. In a Select Committee you will have no programme. Besides this there is another difficulty In a Select Committee you have got only one representative of yours, but in this House all the 31 members of your group will be present. All of you may take part in the debate and come to a conclusion. This is an advantage to you. I therefore request you not to be carried away by any prejudice but to think over all the points that I have placed before you (laughter). I believe you ought to consider that sending of the Bill to the Select Committee will not be to your advantage; on the contrary there is the difficulty that this Bill may be made worse by the Select Committee.

Dr. NALINAKSHA SANYAL: If it is not bad, how can it be worse?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I withdraw that word (laughter).

Mr. SPEAKER: If speech leads to nothing, as you have said, I hope you will try to finish it, because the time is short.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I appeal once again to the House to understand the implication of the Bill and not to be carried away by prejudices.

If any honourable member wants to know the implication of the Bill in its true colour, I am quite ready to explain the position here. I do not believe there is any more time left for me to go into the different provisions of the Bill to show that there is nothing revolutionary in it. The only thing that has been attempted in this Bill is the inclusion of Calcutta. From the very beginning the honourable members were anxious to get rid of Calcutta (laughter). If we leave out Calcutta, there would not be so much opposition and I may tell my friends that so far as mufassil is concerned the mufassil law is the same as we have actually enunciated here. (Mr. KHAITAN: Is this the explanation of the present Bill?) So far as the mufassil is concerned, there is no distinction between one class of transaction and another. Every class of transaction is controlled by the Money-lenders Act which you, Mr. Speaker, have put on the Statute Book. So my friends, you must remember, that only one word in addition has spoiled the case. I appeal to you all to understand the thing first, come to the conclusion afterwards and make a decision for which you will not have to regret later.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, after the very elaborate exposition of the legal position with which you have favoured us this evening and your ruling on the question of *ultra vires*, it is not necessary to discuss the points of law that were raised by my friend Mr. Khaitan last evening. I rise, Sir, to make a very short statement to make the position of Government clear regarding the aims and objects of the present Bill. There are those in this House who seem to think that if this Bill is passed into law, it will choke all the resources of rural credit and strike at the roof of the political, economic and social advancement of Bengal for many long years to come. There are others who hope that if this Bill is passed into law, the millennium will come for the agriculturists and that the peasantry of Bengal will not be the miserable lot of wretched humanity which they are at the present moment. It is not my purpose either to defend or to criticise the conflicting views. I wish to make a very short statement as to the manner in which we propose to deal with the various provisions of this Bill, but before I do so I wish to refer very briefly to what I consider the legitimate rights of Legislators under Provincial Autonomy in attempting to legislate on matters of provincial concern. I feel, Sir, that we under the Provincial Autonomy enjoy as legislators much wider powers than were possessed by our predecessors. I feel that Provincial Autonomy would be a farce if at each step we took towards legislation the bogey of central interference or federal interference were held out and it was sought to scare us away by threatening interference from higher powers in the legitimate exercise of our legislative rights. I am one of those who feel that if there is a controversy as to whether a subject is actually in the federal or in the provincial list or if any legislation is

in the region of controversy, I would rather go ahead than turn back because I want to assert the powers which we possess under Provincial Autonomy, leaving it to the law courts to decide whether we have really trenched upon forbidden ground.

Now as regards the Bill itself, my friend Mr. Suhrawardy has made a statement which I hope has made the Government position clear. If anything was left unsaid, I hope the eloquent exposition of the position by my friend the Hon'ble Nawab Musharruff Hossain has practically exhausted all that could be said on the subject. Now, Sir, I do not wish to be left out to give a silent vote on this happy occasion when we are entering on a stage of political and financial progress and when we are certainly making a history for the agriculturists of Bengal. (A VOICE: For all.) Sir, I shall try to make a few observations on the merits of the Bill. On behalf of the European Group my friend Mr. Wordsworth the other day and to-night Mr. Whitehead have remarked that Government should give a sort of an assurance that the points of view of the European Group as reflected in the various amendments suggested to the Bill would receive due and adequate consideration. Most certainly their points of view will be considered. Not only the European points of view, but the points of view of every section of the House will receive the most adequate consideration. Sir, I think there is no reason to be alarmed at the somewhat drastic nature of the provisions of the present Bill or the revolutionary changes which some of the clauses of the Bill seek to introduce in the domain of money-lending in Bengal. Those who hold the extreme views set out in the Bill are apparently in a majority in the House but they are all reasonable and sensible legislators who are always ready to consider points of view different from their own and to accommodate their opponents as far as may be consistent with their own duties towards their constituencies. I may say particularly with regard to the Coalition Group in this House that although they are in a majority and have demonstrated their strength of votes on many an occasion, they are not at all unmindful of their responsibilities towards the minorities in this House and I may say to their credit that they have been gallant fighters, always ready to be generous to those who may be weaker than themselves in the matter of votes in this House. They are keen on giving effect to what they consider to be the popular demand but they are also ready to compromise with all reasonable points of view. I would ask all sections of the House to carry on the discussions on the Bill in an atmosphere free from passion and prejudice and try to accommodate different points of view so that an agreement may be reached which will be satisfactory to all parties concerned. Every one in this House has a grave responsibility not merely to his constituency but also to the province of Bengal at large. There can be no doubt that any advancement of the province, political, social or otherwise, is impossible without a sound system of finance and

that it would be a false step to take if we were to provide for legislation which in the long run would cripple Bengal's resources and make her utterly unfit for the purpose of improving her arts and industries. For a happier, healthier and a larger Bengal the co-operation of all sections of the people is needed and no legislation can achieve its object which is based on the transitory triumph of those who command the majority of votes by riding roughshod over the feelings and sentiments of those whom circumstances may have placed in a minority in this House. An Act to be really useful must be broadbased on the willing acquiescence of all sections of the people and should be the product of the co-operation and collaboration of the best brains in the country working towards a common goal. I pray to the Almighty to illumine our hearts and enable us to take a long view of things and to realise that the responsible task upon which we are entering to-day may prove to be the turning points in Bengal's chequered history and that one false step may mar the splendid edifice which it is the desire of all of us to build for the sake of the interest of the countless millions who have been committed by Providence to our sacred charge.

Sir, before I sit down I wish to explain that the Bill in the shape in which it has come to us is certainly not the last word. The enormous number of amendments that have been proposed show that the members of this House have considered the situation carefully and that they are ready for a free and frank discussion. I refuse to believe, Sir, that if the questions are approached in the true spirit of co-operation and sympathy, if those who are legislating here for future generations take note of the actual reality of things, not merely the condition of things in this city but the condition of things in the countryside, in the rural areas of Bengal, I do not think that we will not be able to evolve a Bill, evolve a piece of legislation which will not solve the question of credit for the people of Bengal. The only requisite is that we should approach all questions in a spirit of humility, with a supreme sense of duty and with a resolve to solve all difficulties and not needlessly try to carry out our view-points at all costs and at all hazards. I do not think I can sermonise on an occasion like this, but I do sincerely hope that this Bill will be one of those which will bring us together on a common platform, even though we may be holding different views, because it is a Bill where the patriotism of Bengal can find its fullest expression, where the sympathy which the money-lender may feel for the borrower, which the rich may feel for the poor, will find the fullest expression; and I hope, Sir, that in the discussion which will take place on the provisions of this Bill we will be able to give abundant proof not merely of our sympathy but our real solicitude for the people of Bengal. I hope my friends who have moved this motion for recommittal will reconsider the position and not press it to a division. After all, nothing can be gained by a recommittal of the

Bill to the Select Committee for a few days. In the Select Committee different points of view will be placed and there will be notes of dissent, and practically every member will be dissenting from the views of the majority. A better course, and a more satisfactory course, would be for the Bill to be threshed out on the floor of the House giving ample scope of discussion on different points of view to be harmonised. Sir, in this hope I commend the Bill for the consideration of the House, and I would appeal to those who want a recommittal to the Select Committee to withdraw their motion.

The motion of Mr. C. Millar that the Bill be recommitted to the Select Committee with instructions to submit their report by the 30th April, 1939, was then put and lost.

The main motion of the Hon'ble Nawab Musharruff Hossain, Khan Bahadur, that the Bengal Money-lenders Bill, 1938, as reported by the Select Committee, be taken into consideration was then put and agreed to.

Mr. SPEAKER: Before I adjourn the House I might remind the honourable members that all the amendments are now before the members, and I hope that from to-day by the 15th of April next the different parties will come to an agreement as to which motions they are going to move and which they are not. Also if there are going to be any further amendments, notice to that effect might be given by the 15th April.

Adjournment.

The House was then adjourned till 4-45 p.m. on Wednesday, the 5th of April, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 5th April, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 211 members.

STARRED QUESTIONS

(to which oral answers were given)

Introduction of Bengal Rural Primary Education Act, 1930, in Nadia district.

*323. **Mr. MD. MOHSIN ALI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether the Bengal Rural Primary Education Act, 1930, has been introduced in the Nadia district; and

(*ii*) if so, when?

(*b*) If the Act has been introduced in the district, what are the conditions, if any, under which Union Boards in the district are entitled to grant aids to non-Union Board primary schools from the Union Fund?

(*c*) Did the Polsunda Union Board in the Meherpur subdivision grant any aid to any non-Union Board primary schools?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the conditions, if any, laid down by the authorities were fulfilled by the school?

(*e*) Will the Hon'ble Minister be pleased to lay on the table a statement showing, year by year, for the years 1343, 1344 and 1345 B.S.—

(*i*) the names of teachers who got aid from the Polsunda Union Fund; and

(*ii*) the amount drawn by each of them?

(*f*) Is there any Government or District Board aided primary school within the Union which did not get any aid?

(*g*) Are all the schools that got aid from the Union Board in 1343 and 1344 B.S. getting aid this year also?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) Yes, with the exception of certain sections of the Act.

(*ii*) 15th November, 1934, and 1st March, 1935.

(*b*) Union Boards in the district are entitled to give grants to non-Union Board primary schools from the Union Fund under section 32(A) (*2*) of the Village Self-Government Act, 1919.

(*c*) and (*d*) Yes.

(*e*) and (*g*) A statement is laid on the table.

(*f*) No.

Statement referred to in the reply to clauses (e) and (g) of starred question No. 323 showing the names of schools and the names of teachers in the Polsunda Union Board receiving aid from the Union Fund during the years 1343 B.S., 1344 B.S. and 1345 B.S.

Names of schools.	Names of teachers.	Amount. Rs. a.	Remarks.
	1343 B. S.		
Polsunda Board Model	Aftabuddin ..	7 0	For furniture.
Baruipara Maktab ..	Rajab Ali ..	5 0	
Digboyra Maktab ..	Golam Jilani ..	5 0	
Dhawapara Primary ..	Rajkumar Biswas ..	12 8	
	Butto Kristo Mandal	5 0	
Boria Maktab ..	Md. Moula Bux ..	38 0	
	Total ..	72 8	
	1344 B.S.		
Polsunda Board Model	Md. Moula Bux ..	20 0	
	Aftabuddin ..	30 0	
Digboyra Maktab ..	Md. Golam Gilani ..	25 0	
Dhawapara Primary ..	Rajkumar Biswas ..	10 0	
	Butto Kristo Mandal	5 0	
Boria Maktab ..	Md. Raoshan Ali ..	45 0	(*plus* Rs. 41 for construction of the school house).
	Total ..	135 0+41	

1345 B.S.

Polsunda Board Model	Shamsuddin ..	..		(Rs. 24, provided in the budget).
	Aftabuddin ..	..		
Baruipara Maktab ..	Md. Rajab Ali ..	..		(Rs. 10, provided in the budget).
Potarpara Primary ..	Md. Abu Syed ..	10	0	(Rs. 12, provided in the budget).
Dhawapara Primary ..	Rajkumar Biswas ..	..		
	Butto Kristo Mandal	..		(Rs. 24, provided in the budget).
Boria Maktab ..	Md. Golam Gilani ..	30	0	(Rs. 40, provided in the budget).
	Total ..	110	0	

Mr. PROMATHA RANJAN THAKUR: Supplementary question, Sir——

Mr. SPEAKER: You are also interested in the Nadia district?

Mr. SASANKA SEKHAR SANYAL: I submit, Sir, that the Speaker cannot put any questions! (Laughter.)

Mr. SPEAKER: I am grateful to you for pointing that out!

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*a*) (*i*), where the Hon'ble Minister says: "Yes, with the exception of certain sections of the Act", will the Hon'ble Minister be pleased to state what are the sections of the Act, and what are the reasons for which the operation of these sections has been withheld?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I have not investigated the question. I would like to have notice if the honourable member wants any information.

Relief for hunger-marchers from certain thanas in Bakarganj.

***323A. Mr. ABDUL WAHAB KHAN:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that about a thousand hunger-marchers from different villages within the jurisdiction of the police-stations of Gaurnadi, Wazirpur, Babuganj and Banaripara in the district of Bakarganj arrived at Barisal on the 16th of March, 1939, to place their grievances and account of distress before the District Magistrate; and

(*ii*) that the said thanas suffered from the floods last year?

(*b*) Will the Hon'ble Minister be pleased to state the relief measures hitherto taken by the Government and non-official agencies, if any, in those thanas?

(*c*) What action, if any, was taken by the District Magistrate, as a result of the deputation of the hunger-marchers?

(*d*) Will the Hon'ble Minister be pleased to state, thana by thana, the amount of the agricultural loans hitherto given in the said four thanas?

(*e*) Will the Hon'ble Minister be pleased to state whether the Government propose to distribute by way of loan or otherwise seeds for *aush* paddy and jute in the affected areas where *aush* and jute have been destroyed as a result of floods?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) Some 400 persons came from Gournadi and Wazirpur. There was no hunger-marcher amongst this group: they were cultivators who wanted Government to finance their cultivation.

(*ii*) Yes.

(*b*) The following amounts have been distributed to relieve distress:—

	Rs.
Gratuitous relief	3,000
Test relief	12,340
Agricultural loans	33,500

(*c*) A programme of loan distribution had previously been prepared. This programme is being adhered to and Government are satisfied that no fresh action is necessary as a result of the demonstration.

		Rs.	
(*d*)	Gournadi	18,900	
	Wazirpur	12,000	(approximately).
	Babuganj	2,600	

(*e*) In addition to the amounts already distributed loans are also being distributed at the moment to the extent of Rs. 6,500 in Gournadi and Wazirpur.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, with your permission, I propose to make a statement on the subject.

Mr. SPEAKER: Yes, after the starred questions are over.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether the amounts shown against gratuitous relief and test relief were made after the 16th of March? If not, what is the situation with regard to the distressed people after the 16th March?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government consider that the hunger-march did not alter the situation in any way. It was staged on political grounds. So, Government did not take much notice of the hunger-march.

Mr. SASANKA SEKHAR SANYAL: On a point of order, Sir. The Hon'ble Minister has denied that there was a hunger-march, and he is still using the word "hunger-march".

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The so-called hunger-march, I mean.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether there was any hunger-march at all in Barisal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The so-called hunger-march was there.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether Government made any enquiry into the causes which led to the "so-called" hunger-march?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. DHIRENDRA NATH DATTA: Will he please state as to when the enquiry was made and who made the enquiry?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Collector; shortly after the incident.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what portion of this relief was granted before the march and what portion afterwards?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Nothing I believe, Sir, was granted after the march.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether section 144 was promulgated there to stop the hunger-march, which the Hon'ble Minister says did not exist at all?

Mr. SPEAKER: That question does not arise.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what amount of gratuitous relief, or any relief, was granted to the hunger-marchers of Banaripara thana?

Mr. SPEAKER: Is it Bonaripara or Banaripara?

Babu NAGENDRA NATH SEN: It is Banaripara. Everybody knows that.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No relief was granted to the hunger-marchers.

Sj. NARENDRA NATH DAS GUPTA: My question was this: whether any relief was granted to Banaripara thana—gratuitous relief or any kind of relief?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice, Sir.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state whether those who marched to the town saw the Collector or the local officers there?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir. They did.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state, in view of question (*c*), why he has been pleased to characterize the deputation of the hunger-marchers as a demonstration?

Mr. SPEAKER: That question does not arise.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to enlighten us what assurance the District Magistrate gave to these hunger-marchers to alleviate their sufferings?

Mr. SPEAKER: You are supposing that some assurance was given?

SJ. NARENDRA NATH DAS GUPTA: Was any assurance given by the District Magistrate to these hunger-marchers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

SJ. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether the figures furnished in his answer include both the official and the non-official amounts spent on relief?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, they represent only the sum spent by Government on relief.

Mr. ABDUL WAHAB KHAN: With reference to question (*c*), which runs thus—". . . whether the Government propose to distribute by way of loan or otherwise seeds for *aush* paddy and jute in the affected areas where *aush* and jute have been destroyed as a result of floods"—I am afraid, Sir, that this question has not been answered.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I submit, Sir, it has been answered. Here is the answer: "In addition to the amounts already distributed loans are also being distributed at the moment to the extent of Rs. 6,500 in Gournadi and Wazirpur".

Mr. ABDUL WAHAB KHAN: Loans for the purchase of seeds or seeds themselves?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: For the purchase of seeds.

Mr. ABDUL WAHAB KHAN: But it has not been mentioned in the answer.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is implied.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether these reliefs are being distributed according to the estimates prepared by the local relief committees or according to the instructions of the Subdivisional Officer without having any estimates before him?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I believe that estimates are always prepared in consultation with the local relief committees.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether local relief committees have been formed in every union, as proposed by Government at the conference?

Mr. SPEAKER: No question about the conference please!

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether local relief committees have been formed in this area and whether those committees have prepared estimates?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no reason to assume that local committees have not been formed in this particular area because, so far as our information goes, local relief committees have been formed all over the area.

Mr. ABDUL WAHAB KHAN: With reference to (*b*), will the Hon'ble Minister be pleased to state whether all these amounts were spent by the Government and the non-official agencies together or by Government alone or by the District Board?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: So far as my information goes, they are all Government money.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether the test relief money was spent by the District Board alone?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, up till now.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether he is ready to consider the desirability of holding another conference in view of repeated hunger-marches from different quarters of Bengal including this police-station?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There have been no hunger-marches but there have been some so-called hunger-marches.

Mr. ABDUL WAHAB KHAN: With reference to (*c*), will the Hon'ble Minister be pleased to state if, after the demonstration again held on the 27th, Government still adhere to the view that no fresh action is necessary?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Jagannath Intermediate College budget.

125. Mr. RAZAUR RAHMAN KHAN: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) what is the last date before which the Jagannath Intermediate College budget is to reach the Government;

(*b*) when did the Government receive the budget for the current financial year; and

(*c*) whether it is a fact that the Jagannath Intermediate College budget for the current financial year was not placed before a meeting of the Governing Body, but was passed by circulation?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) By the beginning of October of the previous year.

(*b*) The budget for the year 1938-39 was despatched by the Principal of the College on the 30th June, 1938, through the Board of Intermediate and Secondary Education, Dacca, and was received by Government on the 1st September, 1938.

(*c*) Yes, as a special case.

Restriction on the movements of released detenus and political prisoners.

126. Mr. SURENDRA NATH BISWAS: (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware—

(*i*) that the thana police in Calcutta or mufassal watched the movements of the released detenus and political prisoners and called them to attend the thana at any time during the day or night; and

(*ii*) that several released detenus and political prisoners are being frequently called by the thana officers to attend the thana during the day or night and kept standing there for hours together?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any instructions have been issued by Government on the subject?

(*c*) What is the present policy of Government with regard to the released detenus and political prisoners?

(*d*) Do the Government propose issuing instructions to the Police not to watch the movements of or call to the thana the released detenus or political prisoners except for the purpose of answering a specific charge against them?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) No Sir, that is not my information. The instructions issued specifically lay down that the general principle to be observed is that no person is to be placed under surveillance merely because he is a released detenu or released terrorist convict, for unnecessary harassment will prevent the reformation of those who genuinely desire to give up their connection with terrorism.

(*b*) and (*c*) *Vide* answer to (*a*) above.

(*d*) Government have issued comprehensive instructions and do not propose to add to them at present.

Mr. MANORANJAN BANNERJEE: Will the Hon'ble Minister be pleased to state when the instructions were issued?

The Hon'ble Khwaja Sir NAZIMUDDIN: Instructions were issued a long time ago.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether any complaint has reached Government from any ex-detenus or released political prisoners about the harassment by the Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I definitely remember one of the M. L. A.'s representing the grievances of the ex-detenus in this connection.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the Hon'ble Minister has enquired into the complaints which he got from the M. L. A.?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, certainly.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he proposes to give due consideration to the case of complaint about harassment made to him?

The Hon'ble Khwaja Sir NAZIMUDDIN: If any case of harassment is proved to the satisfaction of Government, then certainly action will be taken against any officer who unduly harassed them.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what ingredients does he propose to take into consideration in order to be satisfied about the genuineness of a complaint?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that one Nagendra Nath Gupta of Gopalganj, who was an Andaman prisoner, is being subjected to harassment by the local police for his joining the peasant movement there?

Mr. SPEAKER: I hope, Mr. Biswas will realise that individual questions should not be put. As a matter of fact, you know, that the general principle which has all along been followed is that the question of detenus is a matter on which individual issues have been allowed in the past but not on convicts; each case stands on its own merits. It is only the general principles which may be discussed.

Mr. ATUL KRISHNA GHOSE: With reference to (*d*), will the Hon'ble Minister be pleased to state the gist of the comprehensive instructions which have been issued to the department?

The Hon'ble Khwaja Sir NAZIMUDDIN: I very much regret that it is not possible for me to give the gist of the instructions here.

Mr. ATUL KRISHNA GHOSE: Sir, my question has not been answered. The Hon'ble Minister stated in his reply that Government have issued comprehensive instructions to the department concerned. We do not want to have a comprehensive idea of those instructions. What we want is a gist of those instructions so that we may form some idea about them.

Mr. SPEAKER: Then your question in short, is—is it possible to get a substance of those instructions?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid I have not got those instructions here and it is not possible to give a gist of them.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if he proposes to take steps against the police officer who very recently called an Andaman prisoner to the thana on three occasions at late hours of the night and caused him to stay there for hours together and let him off without asking any question?

The Hon'ble Khwaja Sir NAZIMUDDIN: Any question of high-handedness on the part of the police will be enquired into and if it is proved, certainly the officer responsible will be punished.

Posting of a Circle Officer in Comilla South subdivision.

127. Maulvi MUHAMMAD HASANUZZAMAN: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether—

(*i*) it is a fact that there are two circles in Comilla (Tippera) South subdivision; and

(*ii*) it is a fact that there is no Circle Officer at the Sadar (Kotwali and Chauddagram police-stations) for about a year?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, are the Government considering the desirability of posting a Circle Officer at the Sadar?

(*c*) If so, when?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) An officer has recently been posted.

(*c*) Does not arise.

Criminal cases and appeals before the Magistrates of Pabna.

128. Maulvi AZHAR ALI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing separately for the years 1936-37, 1937-38 and 1938-39—

(*i*) the number of criminal cases and appeals filed before the Magistrates of Pabna including Police (Crown prosecution) cases;

(*ii*) the dates of institution;

(*iii*) the number of cases and appeals disposed of; and

(*iv*) the dates of their disposal?

(*b*) Is the Hon'ble Minister aware—

(*i*) that almost in every Criminal Court of Pabna Sadar large number of cases and appeals of over 6 months or more have accumulated; and

(*ii*) that the present Magistrates who have got other works to do cannot make time for the speedy disposal of pending cases?

(*c*) If the answer to (*b*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government propose to take in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am aware that there has been an accumulation of criminal work at Pabna and two Deputy Collectors are being posted there to dispose of arrears. In the circumstances, I think the hon'ble member would not wish me to add to the burdens of the district staff by compiling the statistical information which he has requested.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state the reasons for such accumulation?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because for some time past there has been no recruitment of Sub-Deputy Collectors and Deputy Collectors; so there has been a great shortage of Deputy Magistrates and Sub-Deputy Collectors and the result has been that we have not been able to post them in all the places where they are required. Owing to the shortage of these officers, there has been heavy accumulation of criminal cases in some places.

Babu MADHUSUDAN SARKER: With reference to the first part of his answer, will the Hon'ble Minister be pleased to state when these two Deputy Collectors are going to be posted there? Will he please give the exact time?

The Hon'ble Khwaja Sir NAZIMUDDIN: Very soon. I hope within a fortnight, they will be there.

Maulvi AZHAR ALI: Will the Hon'ble Minister be pleased to state if he is aware that this state of things has been going on there for over a year?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already stated, the serious shortage of officers has been felt since the new Government have taken over charge and this is one of the points which I have brought to the notice of the House very forcibly, viz., that owing to retrenchment in the past and stoppage of recruitment we are now in a very serious position as far as Deputy Magistrates and Sub-Deputy Collectors are concerned.

Statement by the Hon'ble Sir Bijoy Prasad Singh Roy in connection with Starred Question No. 323A.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it will be noticed that in this short-notice question Mr. Abdul Wahab Khan raised a very important matter. Sir, the honourable member has referred to hunger-marchers whereas the District Officer has informed

the Government that there was no hungry person among those who approached the District Magistrate in a body for obtaining financial relief. It will be noticed that the honourable member has referred to hunger-marchers——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I know on what item of business in the agenda the Hon'ble Revenue Minister is speaking?

Mr. SPEAKER: As a matter of fact there was a short-notice question.

Dr. NALINAKSHA SANYAL: That has been disposed of.

Mr. SPEAKER: You were not present at that time. The Hon'ble Minister wanted to make a statement and I said that he could do that after the questions were finished.

Dr. NALINAKSHA SANYAL: I hope similar privileges will be extended to others also.

Mr. SPEAKER: Where a statement is really necessary I have always allowed it.

Mr. SURENDRA NATH BISWAS: In the case of Madaripur it is very necessary.

Mr. JOGESH CHANDRA GUPTA: Let us hear about the hungry people.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It will be noticed that the honourable member has referred to hunger-marchers whereas the District Officer has informed Government that there was no hungry person among those who approached the District Magistrate in a body for obtaining financial relief. Similar hunger-marches have been staged in more than one district during the last six months. Government have sufficient evidence to convince them that these so-called hunger-marches and other mass demonstrations of agriculturists are being organised purely for political purposes by Left Wing extremist political agitators including many ex-detenus, not so much with a view to remedy genuine grievances as to embarrass the administration and enhance the influence of the revolutionary parties. These persons more often work behind the scenes instead of appearing openly. In short, this is one of the early manifestations of the mass propaganda which is——

Dr. NALINAKSHA SANYAL: Sir, shall we have a right of reply to this statement?

Mr. SPEAKER: I am not prepared to take any notice until you allow him to finish.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Which is intended to be a preliminary to a revolutionary movement. Interested agitators are seizing the opportunity of natural calamities to foment discontent against Government and to persuade peasants to form themselves into large bodies by misrepresenting to them that mass agitation of this sort will force Government to accede to almost any demand they choose to put forward. The danger of encouraging any such idea will be apparent to every member of this House and I wish to state most emphatically that Government will not be coerced by such methods. The officers of Government will be instructed to take no notice of representations made by means of mass agitation such as these. I need scarcely say that Government are always prepared to pay attention to genuine requests made in the proper manner, and have taken and are taking adequate steps to give relief wherever possible.

During the disastrous floods of 1938 Government adopted an unprecedentedly liberal policy regarding the issue of agricultural loans. I may point out that while Government's policy regarding the issue of agricultural loans will remain liberal where there is distress due to natural calamities yet both on financial and administrative grounds, in spite of all their sympathy for the cultivators and their anxiety to give them relief, it is not possible for Government to substitute agricultural loans for the ordinary rural short-term credit necessary to finance cultivation in normal times. In order to meet this exigency, Government are considering ways and means to make short-term loans for agricultural purposes available through the Co-operative Department.

As regards the relief during the next few months of persons whose crops were destroyed in the 1938 floods and whose resources, consequently, have dwindled, Government propose that relief shall be afforded by means of adequate test works and that agricultural loans will normally be granted where necessary for the purchase of seeds.

I desire to make it clear that Government intend to stand by those agriculturists who were hit by the 1938 floods until the situation returns to normal or who may suffer from similar calamities in future, but Government have no intention of permitting themselves to be blackmailed by mass agitation fomented behind the scenes by political agitators and Government will not hesitate to take sufficient steps to prevent ignorant agriculturists being misled or exploited for revolutionary purposes.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. You permitted the Hon'ble Minister in charge of Land Revenue to make a statement in connection with a question. I submit that when a question is put, there is a right of the House and of every member thereof to put supplementary questions to any answers given by the Hon'ble Minister. By permitting the Hon'ble Minister to make a statement after the questions are over on any matter arising out of the question, we are ordinarily shut out from making our observations or from putting supplementary questions. I crave your indulgence to permit me to say a few words in reply to the statement made by the Hon'ble Minister.

Mr. SURENDRA NATH BISWAS: The Hon'ble Minister's statement has cast some reflection at least on me and Mr. Abul Fazl sitting there.

Mr. SPEAKER: Order, please. He has made no reflection on any person.

Mr. SURENDRA NATH BISWAS: He said that this movement was being got up by some persons for political ends.

Mr. SPEAKER: Order, please. There has been no mention of any name.

Mr. SURENDRA NATH BISWAS: On a point of privilege, Sir. If it is the opinion of Government, that this movement is got up for political purposes, I am afraid, Government will not do justice to the real grievances of the poor people.

Mr. SPEAKER: That is not a point of privilege.

Mr. SURENDRA NATH BISWAS: My point of privilege is this. I am speaking in the matter of grievances of the poor agriculturists of my constituency and I have made it very clear to the Hon'ble Minister that the cause which has been espoused by us is a genuine cause and Government should come to their aid. I have pointed out to him that the Subdivisional Officer of Madaripur——

Mr. SPEAKER: Order, please. You must say what is your point of privilege.

Mr. SURENDRA NATH BISWAS: My point of privilege is that I want to make my position clear.

Mr. SPEAKER: That is not a point of privilege.

Mr. JOGESH CHANDRA GUPTA: May I explain, Sir, on behalf of my friend?

Some of the members belonging to the opposition have brought to the notice of the Members of the Treasury Bench through questions and also by representations the real causes of hardship, as for instance, in Madaripur as also in Barisal. The statement that has just now been made by the Revenue Minister is a very sweeping statement and scathing condemnation of all steps that have been taken by the hunger-strikers. He has said that they are all got up. The members who have themselves represented from their personal knowledge and from communications received, if they also come in for condemnation, I think it would really stifle public opinion and would really deprive the members of the opposition of a right to remedy the real grievances of the masses.

Mr. SPEAKER: I have understood the point of Mr. J. C. Gupta and that of Mr. Biswas Unfortunately you realise that I must find out as to whether there can be any opportunity for you to reply to it. If there was any mention in his statement of any names in any place, then I could have understood that there was particular reference to some person or persons. As it is, the statement is merely in the nature of a statement of policy with reference to hunger-marches that are being made according to the Hon'ble Minister in several places. What those places are he has not mentioned. Neither we for the time being are cognisant of the places where they have been taking place.

As regards Dr. Sanyal's point, I hope he will realise that this is not the first occasion that such a statement has been made and Dr. Sanyal probably knows more than anybody else that in the House of Commons it is always the practice for the Minister to make an announcement on the question of policy. Whether that policy is good, bad or indifferent it is not the suitable occasion to discuss. For the time being if the Hon'ble Minister says that he has to make an announcement on the general question of policy, I must give him an opportunity to do it, at any time when the Assembly is in session and to what extent is the policy consistent with the information or even correct or even based on fact is a matter which I cannot say for the time being unless a relevant motion is brought before the House.

Dr. NALINAKSHA SANYAL: May I submit, Sir, that I have drawn up a relevant motion for the adjournment of the House and I seek your consent thereof.

(Dr. Sanyal handed the motion to the Speaker.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I make one point clear? My statement has no reference to the honourable

members who represent the grievances of different areas in this House. My statement only referred to those who organized hunger-marches and it was neither my intention nor did I make any reference to my honourable friend Mr. Biswas or to any other honourable member of this House as one of those who had anything to do with the organization of such hunger-marches.

Mr. SPEAKER: As regards Dr. Sanyal's motion just handed to me, I shall get a copy of the statement made by the Hon'ble Minister and consider this to-morrow.

Mr. SIBNATH BANERJEE: Mr. Speaker, Sir, can I ask a supplementary question on the statement made by the Hon'ble Minister?

The Hon'ble Mr. H. S. SUHRAWARDY: No.

Mr. SURENDRA MOHAN MAITRA: May I know, Sir, what position the Hon'ble Mr. Suhrawardy occupies in the matter of replies which ought to have been given by you?

Mr. SPEAKER: He exactly holds the same position as regards my replies as some others. (Laughter.)

Mr. DHIRENDRA NATH DATTA: Are we entitled to put supplementary questions in order to know who those persons are who staged these hunger-marches?

Mr. SIBNATH BANERJEE: It was said that there were no hunger-marches.

Mr. SPEAKER: I will be perfectly prepared to allow members to put short-notice questions in the nature of supplementaries. I think the best course would be to get a copy of the statement and go through it and as a result of that if any further information is really required, instead of moving the adjournment motion you may ask supplementary questions and I will be very glad to send the same to the departments concerned for early replies so that you will get an opportunity to clarify the whole issue.

We will now take up the discussion on the Bengal Tenancy (Third Amendment) Bill, 1938. The motions before the House are motions Nos. 75, 75A, and part of 76.

GOVERNMENT BILLS.

Bengal Tenancy (Third Amendment) Bill.

[The discussion on the Bengal Tenancy (Third Amendment) Bill was resumed.]

Clause 2.

Maulvi ABU HOSSAIN SARKAR: Sir, this is the first time that I am prepared to thank the Hon'ble Sir Bijoy Prasad Singh Roy for his detection, though very late, that his fellow zamindars of Bengal can commit fraud and adduce misleading evidence in court in order to cheat the tenants. In his Statement of Objects and Reasons for the Bengal Tenancy (Third Amendment) Bill of 1938, the Hon'ble Minister says: "With the help of misleading evidence it is often proved that in fact the standard of measurement which had been used at the time of the settlement was an 18 inch cubit. In order to prevent that kind of fraud the present amendment of section 52 (*1*) has been framed." Section 52, I submit, Sir, is practically an octopus which encircled the tenantry of Bengal. Zamindars used to bring cases in the courts without proving anything. No burden of proof was on them. They only filed cases that the area of the tenancy or holding was increased without giving any explanation as to how it was done and the courts gave decrees for the enhancement of rent. As to how this thing happens I shall not give my own version. I shall only quote a passage from the Bengal District Gazetteer written by Mr. O'Malley, a distinguished ex-civil servant of Bengal. He says: "Within the last 20 years it is said in the Rajshahi Settlement Report of 1912-13 rents have been very much enhanced and the provision of the Tenancy Act that rents shall not be enhanced by contract more than two annas in the rupee at a time appears always to have been a dead letter. The temper of the *raiyats* (or the repression of it in the course of a long time) may be judged from the fact that big landlords have often been able to bring about an enhancement of 8 annas or more per rupee of the rent with no more trouble than the landlord in Eastern Bengal has in bringing an enhancement of 3 annas. The enhancement has usually been made on the plea (unanswerable by the *raiyat*) of an increase of area upon measurement. In nearly all the big estates there have been excessive enhancements although the process goes on in one or two mauzas at a time and has not yet reached all the mauzas. Where these enhancements of rent correspond to a real improvement in the management of the estate, the *raiyat* has some compensation, but this is not always the case."

"In some cases the enhanced demand is nothing more nor less than an extortion. One large landlord for instance coolly increased the rents in some of his villages by six annas in the rupee without even the excuse of an increase of area. Even more flagrant demands are made under the colour of documents. For example some landlords demanded rents at double the existing rates on the strength of areas given in some partition papers."

This is one kind of case. Sir, in other respects also landlords take privilege over their ignorant tenants and everybody knows that when they bring cases they only say that area has been increased but during the period of the inception of the tenancy and the bringing of the suits a greater fraud than could be detected by Sir Bijoy is played on the tenants. They generally in the interim period take some *kabuliats*. In those *kabuliats* the standard of measurement has been changed without the knowledge of the poor tenant and subsequently when settlement operations begin or any other thing happens these *kabuliats* are produced and they get decrees for the enhancement of rent. This also has been described by the same Mr. O'Malley in another passage of his book. "Settlement operations are now in progress in the district and it is hoped that they will be effectual in putting a stop to excessive enhancements of rent which have been made by the zamindars for some time past. The usual *modus operandi* is for the zamindars to have the tenants' land measured and to claim that the area has been largely increased whereas the tenants complain often with cause that the standard of measurement has changed The *bigha* in common use about 70 years ago was very much bigger than the standard *bigha* of the present day. The unit of the latter as is well known is the *hath* of 18 inches whereas the *hath* of Raja Ramjiban of Nator was about 22 inches long. The substitution of the large *bigha* for the small *bigha* has been going on for the last 70 years and is still in progress in some estates. The change in the standard of measurement has not been accompanied by a reduction in the rate per *bigha* and has consequently involved large enhancement of the *raiyat's* rent——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The honourable member, I believe, is reading out from the District Gazetteer of Rajshahi. In my speech I made a reference to that. Is it necessary for him to read it out now? (Some members from the Congress Benches: Certainly it is necessary.)

Maulvi ABU HOSSAIN SARKAR: Now, Sir, I have described some of the frauds which Sir Bijoy could not detect. He has suggested amendment of section 52 of the Bengal Tenancy Act. In one of the amendments he says that if the holdings in the vicinity get increased area, then *ipso facto* it will be presumed that there is a tendency for

increased rent, and therefore the increase in area in the holding in suit will not give the landlord the right of enhanced rent.

The second passage which he introduces later on is that if the holding falls within the same boundary, the landlord will not get the enhanced rent. Did Sir Bijoy think upon whom the burden will fall? It will be very difficult for the poor tenants to prove whether the tenancy falls within the same boundary or not. The origin of the tenancy might have been 200 years back, and meanwhile it might have changed hands several times. And it might happen that the tenant may not have any document in his possession to prove whether the tenancy falls within the same area or not. On the other hand, it will be very easy for the landlord to prove the contrary, because he is a man of money and will be in possession of all the documents with respect to the holding in suit. In order to prevent that kind of fraud, I have proposed some amendment as a sort of check. The first part of the amendment I have moved will put some burden on the landlord that unless and until he can prove that the tenant or the defendant in a particular suit has encroached upon some *khas* land, the landlord will not be entitled to get the enhanced rent. And the second part of the amendment I have moved puts some check on the alteration of the standard of measurement. May I put before you, Sir, some specific instances as to how the areas have been changed? I remember the case of one village situated in the constituency of my friend Mr Ahmed Hossain In that village the landlord's papers originally showed that its area was 809 *bighas*; but after the recent settlement it was found to be 559 acres, that is, more than 1,600 *bighas*, or more than double the original area. In this village, the landlord sued the tenants, and in one particular *jote*, the original area of which was 41 *bighas*, raised subsequently to 58 *bighas* after the settlement operations, the landlord claimed Rs. 63 as rent in place of the original rent of Rs. 27-15. In another *jote* the area was originally 6 *bighas*, which was subsequently doubled in measurement, and the landlord claimed more than Rs. 15 in place of Rs. 4-0-6. Sir, it will be surprising to you to hear that in both these cases the landlord got decrees for enhanced rents.

Considering all these things I appeal through you, Sir, to the House to support my amendment which is for the benefit of the tenant, and I appeal also to Sir Bijoy to see his way to accept it for the benefit of the tenants for which he is supposed to be anxious.

(At this stage the member having reached his time-limit, resumed his seat.)

Mr. DHIRENDRA NATH DATTA: Sir, I congratulate the Hon'ble Minister for moving amendment No. 75. But this amendment evidently refers to those tenancies which have been created by certain documents, viz., *kabuliat* or *patta*. It is well known that there are also many

tenancies for which there are no documents at all. Many tenancies have been created without any documents. Therefore, the amendment that is sought to be effected by the Hon'ble Minister will not affect those tenancies. To cure this defect, Sir, I want to move a short-notice amendment with your permission. My object is that if tenancies which have documents get relief under this provision, there is no reason why other tenancies which were created without any documents should not get that relief. In this Bill, Sir, this relief has been denied to them. As regards the question of boundary, Sir, it may be contended that at a certain period the whole world was full of water and that the question of the boundary of a land is always changing. So if amendment No. 75 is carried, I would request the Hon'ble Minister to accept my short-notice amendment, viz., the words "within a period of 30 years preceding the institution of the civil suit".

Mr. SPEAKER: I think your point is, that as Sir Bijoy's amendment stands it only helps those who have got *pattas* or *kabuliats* whereas you want to extend the benefit to those tenancies as well which have definite boundaries but no *pattas* or *kabuliats*.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am not prepared to accept the amendment, and I shall advance definite arguments against it.

Sir, Mr. Abu Hossain Sarkar has moved two amendments—one is (1C). The suggestion is that there should be no enhancement unless it is proved that there was no increase in area in all the neighbouring tenancies. That is the proposal in (1C). Sir, I would ask the honourable member to bear one fact in mind that the burden of proof lies entirely on the landlord. He must prove that there has been an increase in area. If he fails to do that, he can never claim additional rent for an additional area. That is the law. So I do not think there is any justification for the amendment suggested by the honourable member. Sir, I would draw his attention to the Bill clause (1A), where it is clearly laid down that if it is found that there has been a uniform or almost uniform increase in all the holdings in the neighbouring area, the presumption would be that the increase is due to a change in the standard of measurement and not due to any encroachment.

Maulvi ABU HOSSAIN SARKAR: I do not question that.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The amendment moved by Maulvi Abu Hossain Sarkar militates against the Bill clause and, on that ground, I oppose that amendment also.

Now, I come to the point raised by Mr. Datta that it will only benefit those cases where there are actual *pattas* and *kabuliats* but it

will not benefit those cases where there are no such documents. There are two sets of cases which we can visualize—firstly, where there are actual *pattas* and *kabuliats* and, secondly, where there are no actual *pattas* and *kabuliats*, *i.e.*, cases which are proved by reference to documents and cases where there is no such document. In the latter class of cases the landlord must attempt to prove the increase in area by reference to the *jamabandi* papers or to rent receipts. But as my honourable friend knows very well, *jamabandi* papers or rent receipt are no proof: they are not accepted as proof of an increase in area. That is the case-law. (Mr. DHIRENDRA NATH DATTA: There are conflicting decisions.) May be, but the latest decision is that. The burden of proof lies entirely on the landlord. I would refer my honourable friend to the case of Maharaja Manindra Chandra Nandy v. Kaulat Sk. reported in 50 Calcutta. In that case, it is very clearly laid down that the statement of area in a *dakhila* does not prove that the land was, in fact, so many *bighas*. So, the apprehension of my honourable friend that the landlord would get increase of rent for increase in area by proving increase in area only by reference to *jamabandi* papers or rent receipts is absolutely unfounded. So, there is no justification for an amendment as moved by the honourable member and as to cases where there are documents, those are covered by the Government amendment.

On these grounds, Sir, I oppose both the amendments.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, may I say one word only?

Mr. SPEAKER: Only one word? You do not want even to finish a sentence? (Laughter.)

Mr. DHIRENDRA NATH DATTA: Sir, after this amendment which has been introduced in the Act I am quite sure that the case-law will have no bearing, and there will be many difficulties as there has been no amendment with respect to those cases in which there are no documents. I feel quite sure, Sir, that there will be difficulties.

Mr. SPEAKER: The court has enough power.

Mr. DHIRENDRA NATH DATTA: But in a short period you will find that, as a matter of fact, there will be decisions to the contrary.

Mr. SPEAKER: I know that. That is why equity always comes in. But I can't help that.

Mr. DHIRENDRA NATH DATTA: May I suggest one thing, Sir? I am afraid that it will open the flood-gates of litigation. I was tempted to speak——

Mr. SPEAKER: Mr. Datta, you ought to know that, since the days of Adam and Eve so far as the Treasury Benches are concerned, they have never been tempted by members on my left. (Laughter.)

Mr. DHIRENDRA NATH DATTA: I know that, Sir. But it is stated in the motion "...any portion of the boundaries set forth in the *kabuliat* or the *patta* comprises a river or sea or land held *khas*... .." I am suggesting that unless the word "khas" is there it will open the flood-gates of litigation. (Dr. NALINAKSHA SANYAL: That will help the lawyers!) (Laughter.) (Mr. SANTOSH KUMAR BASU: But how will these flood-gates be stopped?)

Mr. SPEAKER: I have every sympathy with the honourable member who comes from Comilla when he is contradicted by my friend from Burdwan who does not understand Mr. Datta's difficulties. (Laughter.)

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that in clause 2 (*2*) in proposed sub-section (*1A*) of section 52, line 12, the word "Similar" be deleted was then put and agreed to.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that in clause 2 (*2*) in line 13 of the proposed sub-section (*1A*) of section 52, after the words, "it shall be presumed" the following words and brackets be inserted, namely:—

"(notwithstanding anything contained in any contract)"

was then put and agreed to.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that in clause 2 (*2*) after the proposed sub-section (*1A*) of section 52, the following be inserted, namely:—

"(*1B*) When in a suit an increase in the actual area of the tenure or holding is sought to be proved under clause (*a*) of sub-section (*1*), the Court shall enquire as to whether the present area of the tenure or holding in suit is within the same defined boundaries as set forth in the *kabuliat* or *patta* at the inception of the tenancy; and if the Court finds that the present area of the tenure or holding in suit is within such boundaries no increase of rent shall be granted on account of increase of area:

Provided that the provisions of this sub-section shall not apply to any suit in respect of any tenure or holding of which any portion of the boundaries set forth in the *kabuliat* or the *patta* comprises a river or sea or land held *khas* by the landlord or the Crown";

was then put and agreed to.

The motion of Mr. Dhirendra Nath Datta that to proposed sub-section (*1B*) of section 52, the following additional proviso be added, namely:—

"Provided further that if there is no document creating the tenancy and if it be proved on enquiry that there is no river or sea or any land held *khas* by the landlord or the Crown or there is no such river or sea or any *khas* land of any landlord or of the Crown at any time in any of the boundaries of the land included in the tenancy, the Court shall hold that there was no increase in area",

was then put and lost.

The motion of Maulvi Abu Hossain Sarkar that in clause 2 (*2*) after the proposed sub-section (*1A*) of section 52, the following sub-sections be inserted, namely:—

"(*1C*) Notwithstanding any contract to the contrary the court shall also enquire whether there was any *khas* land of definite area of the landlord in the vicinity of the tenure or holding in suit at any time after the rent previously paid was settled and whether the tenant or his predecessor has actually made any encroachment of any specific area thereof. If no such proof is forthcoming it shall be presumed that there has been no increase in the actual area of the tenure or holding in suit since the rent previously paid was settled;

(*1D*) Notwithstanding any contract to the contrary it shall be the duty of the landlord to satisfy the court that no standard of measurement other than what was actually in use in the locality or pargana was used at the time of settlement of the rent previously paid in respect of the tenure or holding in suit. If he fails to do so it shall be presumed that there has in fact been no increase in area of the tenure or holding in suit since the rent previously paid was settled;"

was then put and a division taken with the following result:—

AYES—60

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mir. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerji Mr. P.
Banerjee, Mr. Sibnath.
Bannerjee, Mr. Manoranjan.
Barma Babu Promhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhaumik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal,
Biswas, Mr. Surendra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Nagendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Emdadul Haque, Kazi.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.

Kumar, Mr. Atul Chandra.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Pramanik, Mr. Tarinicharan.
Roy, Mr. Charu Chandra.
Roy, Mr. Dhananjoy.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.

NOES—97

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hakim, Maulvi.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. alias Lal Meah.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abidur Reza Chowdhury, Khan Bahadur Maulvi
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem Maulvi.
Aftab Hosain Joardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Biswas, Babu Lakshmi Narayan.
Campbell, Sir George.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dees, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman (Mymensingh), Mr.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gupta, Mr. J. N.
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M. B. E.
Hatemally Jamadar, Khan Sahib Maulvi.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Mahtab, Maharajkumar Uday Chand.
Mandal, Mr. Jagat Chandra.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Israil, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K. C. I. E.
Nooruddin, Mr. K.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'bel Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ray Choudhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, The Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Yusuf Mirza.
Yusuf Ali Choudhury Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 60 and the Noes 97, the motion was lost.

The question that clause 2, as amended, stand part of the Bill was then put and agreed to.

Clause 3.

Maulvi ABU HOSSAIN SARKAR: Sir, may I move my motion?

Mr. SPEAKER: I am sorry, your motion is not in order, because the whole purpose of the Statement of Objects and Reasons is to specifically provide for cases where suits were "instituted". But you say "disposed of" in place of "instituted".

Maulvi ABU HOSSAIN SARKAR: My amendment proposes to tackle some of the cases which are instituted long before the Bill will be passed into law. As for example, regarding the cases which will be pending in the High Court or in the Judges' Courts, some of them will be disposed of even after the passing of the Act. For instance, clause 3, sub-clause (*1*) (*a*), last line, says—"to all suits under clause (*a*) (*1*) of that section which are pending on the same date". So partially my amendment is included in the amendment proposed by Sir Bijoy Prasad Singh Roy.

Mr. SPEAKER: I am very sorry I cannot allow your amendment I may tell you that Government was very much anxious to bring an amendment of this nature and for about a month we had controversy over this matter I have given my most careful consideration to the matter, but I have not been able to accept it. I wish I could admit it but I could not. As a matter of fact, the Objects and Reasons of the Bill have been so drafted as to give no opportunity to any cases going beyond the date on which the Bill is passed, and the word "instituted" has been specifically inserted. So it is beyond the scope of the Bill and I cannot accept it.

Maulvi ABDUL BARI: Sir, I beg to move that in clause 3 (*1*) (*b*), line 6, for the words "six months" the words "one year" be substituted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government are prepared to accept the amendment.

The motion of Maulvi Abdul Bari that in clause 3 (*1*) (*b*), line 6, for the words "six months", the words "one year" be substituted, was then put and agreed to.

The question that clause 3, as amended, stand part of the Bill was then put and agreed to.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill, as settled in the Assembly, be passed.

The motion was then put and agreed to.

Bengal Jute Ordinance, 1938.

The Hon'ble Mr. H. S. SUHRAWARDY: May I have your permission to lay on the table the Bengal Jute Ordinance, 1938, as promulgated by the Government of Bengal under section 88(2)(*a*) of the Government of India Act, 1935?

Mr. SIBNATH BANERJEE: I wish to move, Sir, that this Assembly is of the opinion that it disapproves of the Bengal Jute Ordinance, 1938, as promulgated by the Government of Bengal, under section 88(*1*) of the Government of India Act, 1935.

Mr. SPEAKER: Have you given notice of that?

Mr. SIBNATH BANERJEE: Yes. I have got your permission. I gave notice in another form.

Mr. SPEAKER: May I see it?
(Shown.)

Dr. NALINAKSHA SANYAL: Will it be a point of order——

Mr. SPEAKER: I think I have considered this case very carefully. So far as this motion is concerned this is not in order because as you know that under section 88, we have got the power of disapproving it, and because the ordinance is over, we cannot disapprove it now. But I think it raises a very important constitutional question, namely, whether this Legislature is not entitled to have its say if Government promulgate an ordinance and then withdraw it without giving an opportunity to the House to discuss it. It is particularly so when under the rules it is open to Government to lay on the table at any time. They can do it at any time when the Assembly is in session and they practically stultify the rules by not putting it to the House at the first available opportunity and then withdrawing it later on. I do not know what should be done in this matter, but I feel for the time being, if there is any such case, Government should definitely allow some time out of Government days when the House may discuss the Jute Ordinance.

The Hon'ble Mr. H. S. SUHRAWARDY: I need not now therefore rise on a point of order on the motion of Mr. Sibnath Banerjee.

I, too, am of the opinion that such a debate cannot be held when the ordinance has been withdrawn. I have not the least desire that any discussion on the subject should be stifled. As a matter of fact I would welcome a discussion, because I feel that, under similar circumstances, I will promulgate a similar ordinance if I consider it desirable to do so. I think if the Opposition or any member of the Opposition desires that there should be a discussion on this subject, we ought to allow such a discussion to take place on a date that may be fixed for it.

Mr. SIBNATH BANERJEE: My submission is that though the ordinance has been withdrawn, we disapprove of the action—that it was at all promulgated. I think I am in order.

Mr. SPEAKER: The motion is not in order. Your motion is that this Assembly is of the opinion that it disapproves of the Bengal Jute Ordinance being promulgated by the Government. You could do that under section 88 (*2*) (*a*) if it were still in force.

Mr. SIBNATH BANERJEE: It is not clear to us.

Mr. SPEAKER: Yes; it is. I am perfectly certain that it is clear. If it were not, I would certainly have points of orders from Dr. Nalinaksha Sanyal. (Laughter.) What I propose is this: We will probably consider it in our rules. During the time we consider our rules, we may provide that with the permission of the Speaker, in case the ordinance is on, we can discuss it; in case the ordinance is not on then we can certainly have a provision which will be supplementing section 88 (*a*) of the Government of India Act, that it shall be permissible for a discussion of the ordinance at the stage when it is laid on the table. That will clear the whole thing. For the time being are you prepared to allot some time?

The Hon'ble Mr. H. S. SUHRAWARDY: If the Opposition so desires.

Dr. NALINAKSHA SANYAL: We desire it most certainly.

Mr. SPEAKER: As early a date as possible may be fixed.

Dr. NALINAKSHA SANYAL: I certainly appreciate the remarks that you have made but so far as that portion of your remark which leads to the interpretation of the time when the ordinance has got to be laid on the table——

Mr. SPEAKER: I think we will have to recast the whole thing.

Dr. NALINAKSHA SANYAL: The Government of India Act lays down that it shall be laid before the legislature. It does neither say anything about the time——

Mr. SPEAKER: We can do that by regulations.

Dr. NALINAKSHA SANYAL: That does not mean that Government have got the power to withhold when the Assembly is in session. I therefore submit that as early an opportunity as possible must be taken.

Mr. SPEAKER: I will consider that point.

Dr. NALINAKSHA SANYAL: I should like to know whether the time that will be allotted will be from Government days or from non-Government days.

Mr. SPEAKER: From Government days.

Dr. NALINAKSHA SANYAL: We do require a discussion.

Mr. SPEAKER: Not only that, I am considering just now a convention that not merely on an occasion like the Jute Ordinance but on any occasion when an important question of policy is announced by the Minister, for example as has been done to-day, if the Opposition desires to discuss it, an opportunity, as early as possible, should be given to the House to do so. That will avoid adjournment motions and at the same time give an opportunity to the House to discuss if Government consider that it is such an important matter that a statement in the House is necessary; it is also the right of the House to consider. I am discussing that and I hope that before an adjournment motion is moved, it will be able to come to some settlement over this matter.

Mr. SIBNATH BANERJEE: Sir, on the 15th February I moved an adjournment motion, on the ground that we should get an opportunity to disapprove it. That motion was not allowed after it received your consent and since then no opportunity was given to us to discuss it. I may further mention that it was put on the agenda, and when we demanded that we should discuss it then and there, Government did not place it and they placed it on the table when the period is over. So I request that the date to be fixed for discussion should be as early as possible.

The Bengal Official Records Bill, 1939.

The Hon'ble Mr. A. K. FAZLUL HUQ: I beg to introduce a Bill to provide against the unauthorised publication of official records.

Secretary then read the short title of the Bill.

Dr. NALINAKSHA SANYAL: I do want to have an opportunity to oppose the Bill even at the time of introduction.

Mr. SPEAKER: It is the convention of the House never to oppose introduction. It has never been done. There is no provision for it in the Rules.

Dr. NALINAKSHA SANYAL: There is provision in the Rules.

Mr. SPEAKER: Where?

Dr. NALINAKSHA SANYAL: My authority is section 51, page 14 of the Assembly Rules and Standing Orders and it reads as follows: —

> "If a motion for leave to introduce a Bill is opposed, the Speaker after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion may, without further debate, put the question thereon".

Mr. SPEAKER: The difficulty in this case is that that section is not applicable because under another section of the Rules and Standing Orders this is already deemed to be introduced and no leave is to be asked.

Dr. NALINAKSHA SANYAL: Section 50 only waives the number of days during which the Bill has got to be with the members. It does not do away with the necessity of formal motion for introduction.

Mr. SPEAKER: If you refer to section 49 you will see it says "In that case it shall not be necessary to move for leave to introduce the Bill".

Dr. NALINAKSHA SANYAL: The introduction has got to be moved.

Mr. SPEAKER: But that is another matter. Under section 51 you can oppose the motion for leave to introduce a Bill.

Dr. NALINAKSHA SANYAL: I am opposing the motion which is No. 83 in the order paper.

Mr. SPEAKER: No. 83 is not a motion to move. There are no words "to move" in that. "To move" comes later on.

Dr. NALINAKSHA SANYAL: Even if the wording is "to introduce", it makes no difference whether it is "leave to introduce" or "to introduce". The Rules are in my favour.

Mr. SPEAKER: No.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I beg to move that the said Bill be referred to a Select Committee consisting of—

(1) Mr. Sadaruddin Ahmed,
(2) Mr. Serajul Islam,
(3) Maulvi Masud Ali Khan Panni,
(4) Yusuf Mirza,
(5) Khan Bahadur Maulvi Fazlul Quadir,
(6) Mr. Birendra Kishore Ray Choudhury,
(7) Mr. Patiram Roy,
(8) Mr. Tulsi Chandra Goswami,
(9) Mr. Niharendu Dutta Mazumdar,
(10) Mr. W. C. Wordsworth, and
(11) the mover,

with instructions to submit their report, with your permission, Sir, I wish to substitute, by the 31st July, 1939, for "by the 28th February, 1939" and that the quorum of the Select Committee be fixed at 4.

Dr. NALINAKSHA SANYAL: Sir, I take the earliest opportunity of recording my emphatic protest against this blackest of black Bills that the Black Cabinet under the present Premier has conceived. It is stated in the Statement of Objects and Reasons that there is a growing tendency noticed in the press and the platform to give unauthorised currency to the contents of unpublished State documents. I submit that no democratic Government could ever conceive of gagging the press against the very legitimate expression of opinion and exposure of things when that exposure might in some way create a situation in the country to the benefit of the public. I submit, Sir, that the Official Records

Bill has been one of the most ill-conceived measures, because it seeks to cut away the very root of democracy. In a Parliamentary Government the Opposition and the public outside always like to examine the propositions that are from time to time under the consideration of Government. Public opinion is after all the highest judiciary for finding out whether a particular measure or measures of Government are going to do good to the people. If there is any Government that while masquerading under the name of democracy seeks to avoid public opinion or stifle public opinion that Government stands self-condemned. This Bill is on the top of two drastic measures already in the Statute Book, namely, the Press Emergency Powers Act of 1931 and the Official Secrets Act. There has been no case made out yet to show that the society is in danger, the peace of the State and the stability of Government have been at stake, have been seriously jeopardised, because certain information, that the press could manage to obtain, has leaked out and the public have had an opportunity of expressing opinion thereon.

I have often seen the Hon'ble the Chief Minister getting excited on the floor of the House because something or other which he had been trying to forge in secret had come out and seen the light of day. I have seen the Hon'ble the Chief Minister tumbling down with apologies galore to Government officials and others when he found that some of his secret machinations have come out and seen the light of day. I would submit that it is just because some of these things were published and made public that the Government had an opportunity of explaining their position and of correcting or mending their manners. A democratic Government must always look up to public support and public support can only be had if all the actions and activities and things under the contemplation of Government are laid bare before the public. I have been marked out by the Hon'ble the Chief Minister on several occasions as one who had surreptitiously got access to his files and probably as he had threatened on the floor of the House this Bill has been conceived more with me in view than with the newspapers outside in view. I claim the right as every one of our citizens has a right to criticise Government, to find fault with Government measures, if any, and to anticipate measures which they have been secretly conspiring and I claim the right of seeking public opinion thereon. Sir, this valuable right that goes with democracy should not be tampled upon lightly. Nowhere in the world has a measure like this been conceived of. In Great Britain only the other day we found that even important papers of State like certain military secrets were brought out in the course of a debate in the House of Commons and it was not the press that was penalised for the same but an attempt was made to find out due to whose latches really these secrets leaked out. There have been cases of the famous "Zinovieff Letter" and many other similar documents where democracy asserted itself by timely exposure of the

intentions of Government. Sir, I submit that you should not permit a measure of this type to be forced through a House merely by virtue of a cooked-up majority by methods that have been very well expressed or characterised by my esteemed friend Mr. Narendra Nath Chakrabarty.

Sir, democracy would fail to function properly if our friends opposite do not realise one great statement of the reputed politician Bagehot, viz., democracy must not degenerate into mere rule of numbers over reason, ignorance over knowledge. If that has come to be the state of affairs in this country, I submit that it is a bad day for Bengal. I appeal to the House and press the Cabinet that they should not proceed with this Bill in this form at all. The Bill in section 3 defines in a very wide and general term—any unpublished official records relating to any affairs of State or any matter derived therefrom or any comment thereon, except with the previous permission of the Provincial Government,—that should be penalised. That means that newspapers will have to cease to function if they do not go up every evening to the Secretariat to obtain the passport for their articles and news columns. News reporters from all over the country send news notes, and some of these news notes will also relate to the tours of the Hon'ble Ministers themselves—garlanding and things like that. These news notes are in a sense indirectly official records because the words "relating to any affairs of State or any matter derived therefrom" apply to them. If an Hon'ble Minister has got to open a co-operative conference, it is a public official duty of his; and if any newspaper publishes a report thereof it will come under the purview of this wonderful piece of legislation. Sir, I will not take the time of this House at this stage to point out the numerous absurdities in the Bill. I would only at this stage draw attention to the important question of principle involved that the public, the citizens, and more so the newspapers whose duty it is to serve the public with properly collected news,—the public have a right to find out what is happening, whatever place they can find out the news from; and by laying bare all these news they educate the public, they serve a very useful function in society, particularly in a democratic society. Let not the present Cabinet in their enthusiasm, let not the Coalition Government in the intoxication of power strike at the very root of democracy by sponsoring a Bill of this character.

(The House was then adjourned for 15 minutes.)

(After adjournment.)

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move, by way of amendment, that the Bengal Official Records Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

Mr. SPEAKER: I understand that Mr. Santosh Kumar Basu, Mr. Goswami and some other members want to speak on this Bill, and I should like to give them an opportunity to do so. I hope, Mr. Abu Hossain Sarkar, you will be very brief and will not take more than five minutes.

Maulvi ABU HOSSAIN SARKAR: Yes, Sir, I shall be as brief as possible.

Sir, this Bill can be termed as a gagging Bill. By the provisions of this Bill Government are trying to suppress the newspapers in Bengal. May I ask the Hon'ble Minister, why this panicky state of things? If he is honest, if he tries to govern the country without any nepotism, without doing anything to which people can take objection, I think there is no fear for any legitimate criticism of Government by the Press. By introducing this Bill, Government have shown a defeatist mentality. Government were perhaps trying to do something which the country did not desire, and when the information leaked out, they became very chary and introduced this Bill.

I also submit, Sir, that Government intend to check the publication of their Bills such as the Secondary Education Bill over which recently there was a strong controversy in the papers and in the press. Then again, the indiscreet letter of the Hon'ble the Chief Minister was published in the newspapers, and there was a good deal of controversy over it, and ultimately he had to beg pardon of his own officials very recently on the floor of the House. Government, instead of trying to suppress the newspapers and news-sheets of the country, will, I think, do well to try to check the Hon'ble the Chief Minister from acting indiscreetly.

If anything is to be checked, Sir, the Official Secrets Act is there, but in spite of that I think for sheer vengeance and for taking revenge for publishing some papers which the Hon'ble the Chief Minister indiscreetly let loose, this Bill is now brought in this House.

The main feature of the Bill is the obnoxious intention behind it, and it was described very aptly by my friend Dr. Nalinaksha Sanyal. I do not like to repeat the same arguments, but I only bring to the notice of the House that by enacting this Bill Government are taking away one of the salutary provisions of criminal law—I mean section 403 of the Criminal Procedure Code. This section says that a man cannot be convicted of an offence twice, but here in this Bill we find that in clause (3) the Bill provides for punishment for a particular offence, and after conviction the man will be compelled to give information to Government as to how he got the information, where he got it and why he published it; and if he fails to give this sort of information he is again liable for punishment. I repeat, Sir, that this Bill takes away a salutary provision of criminal law prevailing in India. Thus a man is going to be convicted for the same offence twice.

Therefore, considering all these things, I hope the House will send the Bill for circulation for eliciting opinion thereon, so that the mischief contemplated by this piece of legislation may be stopped.

Rai HARENDRA NATH CHAUDHURI: Sir——

Mr. SPEAKER: I understand that Government are prepared to accept your amendment.

Rai HARENDRA NATH CHAUDHURI: If they do so, I shall be very glad. But let me make my position clear.

Mr. SPEAKER: All right. But I hope that you will be very brief.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th April, 1939.

Sir, I think anybody who has taken care to go through the provisions of this Bill will agree that the Bill is a highly penal measure. Now, in introducing such a penal measure, it is not enough for the Government to say that certain facts and documents have come to light. In a very pithy and short Statement of Objects and Reasons all that the Hon'ble the Chief Minister tells us is that "A growing tendency has been noticed, both in the press and on the platform, to give unauthorised currency to the contents of unpublished State documents. This tendency has rendered imperative the necessity of taking legislative measures to suppress the dissemination in the press and on the platform of the contents of unpublished records of Government unless after due authorisation".

Now, Sir, this short Statement of Objects and Reasons, even if we assume the correctness of it for the sake of argument, only says that certain circumstances have arisen which, in the opinion of the Government, require to be met by a penal legislation. But that is not enough, Sir, for the Government to state, to justify such a legislation. Government have to establish a further case, viz., that the existing laws are quite inadequate for the purpose of meeting the object they have in view.

Sir, all of us are aware, I believe, that there is already on the Statute Book an Official Secrets Act which goes by the name of "An Act to prevent the disclosure of official documents and information". The Act, Sir, is known as Act XV of 1889. That Act has stood the test of time. The circumstances under which that Act was passed have, I believe, not yet passed out of public memory. The immediate occasion for the enactment of that measure was also a newspaper publication.

When the *Amrita Bazar Patrika* published the famous letter of Sir Mortimer Durand regarding the contemplated Government intervention in the affairs of the Kashmir Durbar in connection with Gilgit, the Government of Lord Dufferin thought it proper to enact that Official Secrets Act, and, Sir, since then, for the last 50 years, that Act has been considered sufficient and effective for the purpose of guarding much more important secrets than the secrets of a subordinate government like the Government of Bengal. (Mr. TULSI CHANDRA GOSWAMI: Petty personal secrets!) Sir, my friend Mr. Goswami says: "Petty personal secrets". Yes, they are so. That is an apt expression to describe the secrets of the present Government of Bengal! But, as I was saying, Sir, the existing Official Secrets Act, which has an all-India application, has stood the test of time and has been found adequate to guard much more important secrets, viz., the secrets of the Government of India, regarding military and naval affairs, secrets regarding relations with Foreign States, secrets about civil affairs, such as financial policy and measures, and not excluding of course other civil matters of moment and importance—matters of confidential nature the publication of which is likely to injure vital public interests. Yet the Bengal Government has not thought it fit to explain how that Act has suddenly been found inadequate or why a further measure is required to punish those who offend against the provisions of the existing Official Secrets Act. Sir, I may for the purpose of elucidation refer here to the comprehensive nature of one sub-section, viz., sub-section (*3*) of section 3 of the Official Secrets Act. That sub-section, Sir, stands thus: "Where a person having possession of any document, sketch, plan, model or information relating to any fortress, arsenal, factory, dockyard, camp, ship, office or other like place belonging to His Majesty, or to the naval or military or civil affairs of His Majesty, in whatever manner the same has been obtained or taken, at any time wilfully communicates the same to any person to whom he knows the same ought not, in the public interest, to be communicated at that time, he shall be liable to the same punishment as if he committed an offence under the foregoing provisions of this section," in other words, to punishment with "imprisonment for a term which may extend to one year, or with fine, or with both".

Now, Sir, what are the "civil affairs" referred to here: There is a definition of "civil affairs" in the Official Secrets Act. "Civil affairs" under the Act mean affairs "affecting the relations of the Governor General in Council with any Native State in India; or relating to the public debt or in the fiscal arrangements of the Government of India or any other important matters of State, where these affairs are of such a confidential nature that the public interest would suffer by their disclosure".

So, Sir, this Act ought to be in the opinion of all reasonable persons sufficient to check the communication of official secrets. But, how could this Act have fallen short of our Government's objective? Of course

the objective of the Government of Bengal is not yet fully disclosed. On a comparison, however, we find that very important qualifications which are there in the Indian Official Secrets Act have been omitted so far as this Bill is concerned. This Bill proposes to bring under its purview the publication, if unauthorised, of "any unpublished official record relating to any affairs of State or any matters derived therefrom or any comment thereon, etc". That means the very important safeguards that are there in the Official Secrets Act, viz., that it must be a civil matter of moment, it must be of a confidential nature and again of such a confidential nature that the public interest will suffer by its disclosure,—all those safeguards have been either forgotten or purposely done away with. How far the vindictive scheme of the present Government has gone will appear also from clause 7 of the Bill. That the Government contemplate that there should be two-fold punishments for such persons as are found guilty cannot be denied. Clause 7 says —"Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other Law for any Act or omission which constitutes an offence under this Act". So far, therefore, as the present Bill is concerned, it proposes that double punishment may be inflicted on those who may be found guilty of publication or dissemination of any State document or information. Not only that; it provides even for multiple punishment. In fact it proposes no end of punishment for those who may be victims of the official wrath of the Government of Bengal.

Here, Sir, I would invite the attention of this House to clause 4. Sub-clause (*1*) of clause 4, says—"On demand by any authority empowered in this behalf by the Provincial Government, it shall be the duty of any person convicted of an offence under section 3 to give in writing all information in his power relating to such offence"; and sub-clause (*2*) adds: "Whoever fails to give all such information as aforesaid or gives any such information falsely shall be punishable with imprisonment which may extend to one year or with fine or with both". So it will be seen that with the first conviction and punishment there will be no end of troubles of these persons. First of all, they will be punished for publishing the so-called official secret. Secondly, they will be again punished for not disclosing information that may lead to further disclosures. You will see, therefore, that there will be conviction upon conviction of the same person under the different provisions of this Bill. A Bill of such a drastic nature ought not to go into the Statute Book without consulting public opinion and without thorough examination of all the provisions of the Bill from various points of view. And in that view, Sir, I have proposed that the Bill be circulated for eliciting public opinion. That my motion is not really a dilatory motion will be apparent from the fact that I have put down 30th April as the date by which public opinion will have to be elicited.

The Hon'ble Mr. A. K. FAZLUL HUQ: My friend, Dr. Nalinaksha Sanyal, has made a most provocative speech and he has shaken his fists so often that I thought that he was coming out for an assault. I will not emulate him, for I feel I have got such a good case that I need only present it before the House to get it accepted. Sir, it has been said that an attempt is being made to stifle criticisms and to put a ban on expressions of opinion on public matters. Any one who will read this Bill will at once be convinced that we do not propose to do anything of the kind. All that the Bill proposes to do is to penalise unauthorised publication of official documents. May I remind the House that within the last two years that we have been in office, instances have occurred where newspapers and news-sheets and other documents have given publicity to official records which have not yet been decided upon by Government and the publication was made not for the purpose of any helpful criticism but for a very mischievous purpose, namely, for discrediting the action of the Government? Lies have been circulated, false news have been published, propaganda on absolutely imaginative and supposed circumstances have been carried on, and on the basis of that, the Ministry has been attacked, motives have been ascribed and every action of the Ministry has been held up to public criticism. Now, it is one thing to prohibit publication of official documents and it is quite a different thing to stop public criticism. By no stretch of imagination can it be said that the provisions of the Bill will at all interfere with the public criticism of official acts. I do not wish to go into details over the criticisms that have been offered, because I am prepared to accept the motion of my friend, Mr. Harendra Nath Chaudhuri, for circulation of the Bill for opinion till the 30th of April. I may mention to the House that before I thought of introducing the Bill in the House, I had it published in the *Calcutta Gazette* so long ago as 17th November, 1938. The Bill has been before the public for this long period but I am again prepared to place it before the public for criticism till the 30th April, 1939.

Mr. SPEAKER: It would be better if you would give a date in May.

The Hon'ble Mr. A. K. FAZLUL HUQ: What date would be suitable, Sir?

Mr. SPEAKER: Say, 15th of May.

The Hon'ble Mr. A. K. FAZLUL HUQ: I have no objection.

Rai HARENDRA NATH CHAUDHURI: I have also no objection.

Mr. SPEAKER: Then I take it that it is accepted as a short-notice amendment.

The motion of Rai Harendra Nath Chaudhuri, by way of amendment, that the Bengal Official Records Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 15th May, 1939 (as amended) was then put and agreed to.

The Indian Stamp (Bengal Amendment) Bill, 1938.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to introduce a Bill further to amend the Indian Stamp Act, 1899.

Secretary then read the short title of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is a very short and businesslike Bill which Government have introduced with a view to check the loss of public revenues. The Bill has only two clauses; one proposes to amend Article 57 of Schedule I (A) of the Stamp Act and the other proposes to amend Article 62(*c*) of the same Act.

Sir, there have been divergences of judicial opinion as to whether a security bond executed by a judgment-debtor in favour of a court should be stamped under Article 40 or it should be stamped under Article 57. The High Court of Allahabad held that it was a mortgage and as such should be stamped under Article 40 whereas the Chief Court of Oudh in the United Provinces held that it was not a mortgage deed, but a security deed and should be stamped under Article 57, i.e., only a lower rate of stamp duty should be payable. The views of the High Court of Allahabad were that there can be no contract between a judgment-debtor and a court, whereas the Chief Court held that it was an implied contract and in fairness and equity a nominal stamp duty should be payable. That is the genesis of this amendment. The Government of India also agreed that this divergence should be reconciled and suggested that as the Provincial Governments have now power to amend the Stamp Act they should undertake legislation.

As regards Article 62 (*c*), the point is this: That for mortgage by deposit of title deeds, when the interest secured by such mortgage is transferred, whether the stamp duty is payable under Article 40 or a nominal stamp duty is payable under section 62 (*c*). There was a case in Calcutta in which the title deeds of an immovable property were deposited as a security for repayment of a heavy loan. Now the interest thus secured was transferred later on by payment of a nominal stamp duty under Article 6. The Collector of Stamp Revenue, Calcutta, held that it was a transfer and full stamp duty under Article 23 was payable. There was an appeal to the Board of Revenue, and the Board

also held the same view. Then the matter was taken to the Hon'ble High Court. The High Court on the other hand held that the concession granted under Article 62 (c) was available to the parties. This led to a loss of considerable public revenues and in order to prevent such a loss in future Government thought that it was necessary to and justified to introduce the Bill.

With these words I beg to move, for the acceptance of the House, that the said Bill be taken into consideration.

Dr. NALINAKSHA SANYAL: I beg to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy,

(2) Mr. I. D. Jalan,

(3) Maulvi Abu Hossain Sarkar,

(4) Mr. Abdur Rahman Siddiqi,

(5) Mr. Dhirendra Narayan Mukerji,

(6) Mr. M. A. F. Hirtzel,

(7) Mr. Pulin Behary Mullick,

(8) Mr. Debi Prosad Khaitan,

(9) Maulvi Abdul Latif Biswas, and

(10) Dr. Nalinaksha Sanyal,

with instructions to submit their report by 15th March, 1939, and that the quorum of the Select Committee be fixed at four.

I do not really desire to take the time of the House by a long speech. I would only draw the attention of the Minister in charge to his own statement that there are conflicting opinions of different authorities. I think, therefore, that instead of taking on ourselves the responsibility of adjudicating on such a matter in which the High Courts could have conflicting views, it would be much better to leave that part of the business to a Select Committee which would be in a position to examine the implications carefully. Thereafter if that Select Committee recommends the adoption of these provisions, the House would be in a better position to accept the motion and to understand what they are doing. That is all what I want to say. I have every sympathy, as a matter of fact, with all that the Hon'ble Minister has said about certain discrepancies and I quite understand the necessity of suitably amending the present Act, so that some people who are able to pay may not evade. In fact I know of one case in which an attempt was made to evade the payment of stamp duty where Government could legitimately claim that stamp duty should be paid. Here the High Court held that the stamp duty was not payable on the ground that the deed of title had not been transferred. I, therefore, submit that a matter like this

where an important question of principle is involved and where even the High Court Judges could not see eye to eye with one another, should be first referred to a Select Committee. With these words, Sir, I move my motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I formally oppose it, but at the same time I appreciate the sweet reasonableness of the speech at least for once of my friend Dr. Sanyal.

The motion that the Indian Stamp (Bengal Amendment) Bill, 1938, be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy,

(2) Mr. I. D. Jalan,

(3) Maulvi Abu Hossain Sarkar,

(4) Mr. Abdur Rahman Siddiqi,

(5) Mr. Dhirendra Narayan Mukerji,

(6) Mr. M. A. F. Hirtzel,

(7) Mr. Pulin Behary Mullick,

(8) Mr. Debi Prosad Khaitan,

(9) Maulvi Abdul Latif Biswas, and

(10) Dr. Nalinaksha Sanyal,

with instructions to submit their report by 15th March, 1939, and that the quorum of the Select Committee be fixed at four, was then put and lost.

The motion that the Indian Stamp (Bengal Amendment) Bill, 1938, be taken into consideration was then put and agreed to.

Clause 1.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in clause 1, for the figure "1938" the figure "1939" be substituted.

The motion was then put and agreed to.

The question that clause 1 as amended stands part of the Bill was then put and agreed to.

Clause 2.

Mr. DHIRENDRA NATH DATTA: May I say as regards my motion No. 95 that as a matter of fact the security bond executed by the judgment-debtor for the due performance of certain duties need not be stamped at all——

Mr. SPEAKER: The present purpose is to reconcile divergencies.

The question that clause 2 stands part of the Bill was then put and agreed to.

The question that the Preamble stands part of the Bill was then put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The Bengal Excise (Amendment) Bill, 1939.

The Hon'ble Mr. PRASANNA DEB RAIKUT: I beg to introduce a Bill further to amend section 65 of the Bengal Excise Act, 1909.

Secretary then read the short title of the Bill.

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, I beg to move that the Bengal Excise (Amendment) Bill, 1939, be taken into consideration.

The aim and object of the Bill is very simple and clear. Section 65 of the Act does not give power to the Inspectors of Excise to compound Excise cases, and this amendment is just to give them that power. With these words I beg to commend my motion to the acceptance of the House.

The motion was then put and agreed to.

Clause 1.

The question that clause 1 stands part of the Bill was then put and agreed to.

Clause 2.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 2, in line 3, after the words "Inspector of Excise" the words, "with the written permission of the Collector of the District or of any other officer, not below the rank of Deputy Collector or Superintendent of Excise, as may be authorised in this behalf by the Collector" be inserted.

The object of my amendment is very simple. The amendment proposes not to give an unrestricted right to the Inspector of Excise to compound or withdraw cases. Sir, in these days when the Congress provinces are trying prohibition in their respective provinces the Bengal Government have not raised their little finger towards that end. Now, it is well-known that many offences are being committed by persons who

smuggle articles of excise, and these cases ought to be tried very strictly. That is the reason why I say that the Inspector of Excise should not be given any unrestricted right to compound or to withdraw such cases. In the Statement of Objects and Reasons I find that in many districts the post of Superintendent of Excise has been abolished but that does not affect the position. The Inspector of Excise may take the permission of the District Magistrate or the Deputy Collector who may be authorised in that behalf for compounding or withdrawing excise cases. Anyhow, there should be a safeguard so that the criminals may be punished. Why should an Inspector of Excise be authorised to withdraw cases? I don't see any reason why. So I submit, Sir, the members to my opposite should support at least this inoffensive amendment of mine.

Rai HARENDRA NATH CHAUDHURI: I rise to support the amendment of my friend Mr. Biswas Mr. Biswas has not made one point particularly clear and that is this. The words "Superintendent of Excise" were introduced in the Act of 1909 by the amending Act of 1914. Before the enactment of 1914 the power to compound offences in excise matters rested with the Collector and not with any excise officer whatever might have been his rank unless he was specially empowered by the Local Government It was only after the amending Act of 1914 that you got the power for the Excise Department and that power was vested in excise officers of the highest rank, namely, the Superintendents of Excise. But now you propose to introduce Inspectors of Excise in the place of the Superintendents of Excise. What will be the position then? The power to compound excise offences will come to be vested in officers like Inspectors of Excise. That was surely not contemplated even by the Government of 1914. What therefore my friend Mr. Biswas suggests is that even if you vest the power in the Inspectors of Excise let them be controlled and guided by the views of superior officers, either of the General Administrative Department or of the Department of Excise where there are Superintendents of Excise. Why should you not accept this amendment? Will you leave the discretion unfettered to the Inspectors of Excise? Do you consider that these Inspectors of Excise who are responsible for bringing to book these offenders should be the proper persons to arrange compromise with them? Should you not endeavour to see that the activities of these officers in the matter of compounding offences are regulated by the advice of the general executive officer or superior excise officers if any. I think this is a very reasonable amendment and it ought to be accepted by Government in the interest of the reputation of the Inspectors of Excise themselves.

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, in the Statement of Objects and Reasons it has been stated that most of our districts are

now in charge of Inspectors of Excise and these Inspectors of Excise are responsible officers. Government know that they are very good officers and unless they are given this power to compound cases the very object of the Bill would be defeated. So I oppose the motion.

The motion of Mr. Surendra Nath Biswas that in clause 2, in line 3, after the words "Inspector of Excise" the words "with the written permission of the Collector of the district or of any other officer, not below the rank of Deputy Collector or Superintendent of Excise, as may be authorised in this behalf by the Collector" be inserted was then put and lost.

The question that clause 2 stands part of the Bill was then put and agreed to.

The question that the Preamble stands part of the Bill was then put and agreed to.

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, I beg to move that the said Bill as settled in the Assembly be passed.

The motion was then put and agreed to.

The Administrator-General's (Bengal Amendment) Bill, 1939.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I beg to introduce a Bill to amend the Administrator-General's Act, 1913, in its application to Bengal.

Secretary then read the short title of the Bill.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I beg also to move that the said Bill be circulated for the purpose of eliciting opinion thereon by the—here with your permission, Sir, I want to extend the period—17th July, 1939.

The motion was put and agreed to.

The Official Trustees (Bengal Amendment) Bill, 1939.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I beg to introduce a Bill to amend the Official Trustees Act, 1913, in its application to Bengal.

Secretary then read the short title of the Bill.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I beg also to move that the Official Trustees (Bengal Amendment) Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 17th July, 1939.

The motion was then put and agreed to.

The Calcutta Police (Amendment) Bill, 1939.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to introduce a Bill to amend section 33 of the Calcutta Police Act, 1866.

Secretary then read the short title of the Bill.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg also to move that the said Bill be taken into consideration.

The motion was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2

The question that clause 2 stand part of the Bill was then put and agreed to.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Calcutta Police (Amendment) Bill, 1939, as settled in the Assembly, be passed.

The motion was then put and agreed to.

Earlier sitting on 6th April, 1939.

Mr. SPEAKER: I understand that to-morrow a large number of members will be going out of Calcutta on account of the holidays. So I propose that the Assembly may meet 15 minutes earlier, that is, at 4-30 p.m. so that we may finish our business by 7 p.m. I hope, honourable members will kindly co-operate with me to see that we finish our business as early as possible.

Adjournment.

The House was then adjourned till 4-30 p.m. on Thursday, the 6th April, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 6th April, 1939, at 4-30 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 205 members.

Mr. SPEAKER: Sir Bijoy, you remember that you made a statement yesterday in connection with a question and that Dr. Nalinaksha Sanyal wanted to move an adjournment motion regarding this? I have since considered the adjournment motion very carefully. I am very doubtful whether the adjournment motion is in order, even though I have given my consent to the motion being brought. I think that the best thing would be, since the motion arises out of a question, that after to-day's questions are over he should be allowed to ask supplementary questions and you would answer them. In the meantime, I shall give a copy of the statement to Dr. Sanyal.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: All right, Sir.

STARRED QUESTIONS

(to which oral answers were given)

Inclusion of Nandigram thana in Bogra.

*324. **Khan Bahadur MOHAMMED ALI:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the area under the Nandigram thana which has been incorporated in the district of Bogra has not yet come under the administration of the Bogra District Board; and

(*ii*) that this is causing hardship to the people of the thana as the Rajshahi District Board have withheld payments of grants-in-aid to educational institutions, dispensaries, etc.?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps do the Government propose to

take in expediting the transfer of the jurisdiction of the said thana to Bogra District Board?

MINISTER in charge of the LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) Yes.

(*ii*) No hardship has been caused as the Rajshahi District Board has not withheld payments to dispensaries and public health circles in the area under the Nandigram thana. As regards grants-in-aid to primary schools within this area, it is understood that the District Magistrate of Bogra, who is the President of the Bogra District School Board, has issued orders for the payment of the salaries of the teachers of these primary schools.

(*b*) The revenue jurisdiction of the area in question will be transferred to Bogra with effect from 1st April, 1939. Steps will be taken thereafter to transfer the jurisdiction of the area for Local Self-Government purposes, to the District Board of Bogra.

Khan Bahadur MOHAMMED ALI: Sir, I was referring to the middle English school and not to the primary schools which are under the District Board. Will the Hon'ble Minister be pleased to state if he is aware that the Bhatra High English School, which is in Nandigram thana, has not been receiving any grant since the last one year, i.e., with effect from the 1st April, 1938?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I have taken note of the honourable member's question, and I shall make an enquiry into this matter.

Bengal Road Project.

***325. Mr. FAZLUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) the amount of money allotted to Bengal from the Indian Road Fund per year since its creation;

(*ii*) the amount received up to date from the India Government, year by year;

(*iii*) the amount spent up to date; and

(*iv*) the balance in hand, if any?

(b) Is it a fact—

(*i*) that no definite scheme has yet been drawn for the improvement of the roads in Bengal; and

(*ii*) that an amount from the contribution by the India Government was available?

(*c*) If the answer to (*b*) is in the affirmative, what are the reasons for the delay and for not spending the amount in hand?

(*d*) Is it a fact—

(*i*) that some years back a special officer was appointed for drawing up a scheme for provincial road project;

(*ii*) that the officer has already submitted a scheme for Bengal; and

(*iii*) that this has already been published?

(*e*) If the answer to question (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state why no steps have yet been taken to translate the scheme into action?

(*f*) Will the Hon'ble Minister be pleased to state what scheme, if any, has been prepared up to date by the Special Road Board Officer?

(*g*) If no scheme has yet been prepared by the Special Officer, will the Hon'ble Minister be pleased to state the reason for the delay?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) and (*b*) (*ii*) A statement is laid on the table.

(*b*) (*i*) and (*c*) I would invite the attention of the hon'ble member to Mr. King's recently published report to my speech when presenting the demand for grant for 1938-39 and my reply to the recent discussion on the demand for next year.

(*d*) Yes.

(*e*) Action has already been taken and further action is being taken to construct or improve roads included in the report.

(*f*) The Special Road Board Officer was not appointed to prepare any scheme. His main duties are concerned with the expedition of sanction to approved projects. The list of projects in hand or about to be taken up is shown in the Budget Estimate recently passed by the House.

(*g*) Does not arise.

Statement referred to in the reply to clauses (a) and (b) (ii) of starred question No. 325.

[The figures are in thousands of rupees.]

	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.
Opening balance ..	..	14,89	9,92	22,18	28,74	34,78	38,61	43,33
Receipts ..	19,30	6,00	22,55	12,50	13,21	14,13	17,66	2,27*
Total ..	19,30	20,89	32,47	34,68	41,95	48,91	56,27	45,60
Charges ..	4,41	10,97	10,29	5,94	7,17	10,30	12,94	13,22
Closing balance ..	14,89	9,92	22,18	28,74	34,78	38,61	43,33	32,38†

*The figure represents a special contribution from the Reserve of the Central Road Fund towards the construction of the Sevoke-Bagrakote Road.

†In addition, the Government of India hold to the credit of this province a further sum of about Rs. 31,50,000 in respect of revenue raised up to 30th September, 1938. The expenditure during the year 1938-39 is estimated to be Rs. 20,00,000.

Assistants sent on deputation to other departments on higher grades.

***326. Maulvi MD. MOZAMMEL HUQ:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing—

(*i*) how many Lower Division assistants in his department during the five years ending 28th February, 1939, have been sent on deputation to other departments, e.g., Special Branch, Home Department; Reforms Section, Home Department; Rural Indebtedness Department; to work there in the Upper Division or on special higher pay than what they were drawing in their substantive post in the Finance Department;

(*ii*) how many of them are of—

(1) Caste Hindu,

(2) Muslim,

(3) Scheduled Castes,

(4) Indian Christian,

(5) Anglo-Indian, and

(6) other minority community; and

(*iii*) what are their academic qualifications?

(*b*) Is it a fact that there are no Muslims among the persons sent on deputation as referred to in (*a*) (*i*)?

(*c*) If so, why?

(*d*) Will the Hon'ble Minister be pleased to lay on the table another statement showing the number existing at present in the Finance Department of assistants who are—

(*i*) Graduates,

(*ii*) Undergraduates,

(*iii*) I.A. and I.Sc.

(*iv*) Matric,

(*v*) Under Matric, amongst—

(1) Caste Hindus,

(2) Muslims,

(3) Scheduled Castes,

(4) Indian Christians,

(5) Anglo-Indians, and

(6) other minority community?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) (*i*) and (*ii*) No assistants were actually sent on deputation by the Finance Department to any other department during the last five years. But four assistants who had applied for temporary posts on higher pay in other departments were selected by those departments for appointment in such temporary posts.

Three of these men who were selected in 1935 were Caste Hindus, and the fourth man who was selected in 1938 was a Muslim.

(*iii*) All of them were graduates.

(*b*) No, there was one Muslim as already stated.

(*c*) Does not arise.

(*d*) A statement is laid on the table.

Statement referred to in the reply to clause (d) of starred question No. 326.

	Graduates.	Undergraduates, I.A.'s and I.Sc.'s	Matriculates.	under Matriculate.	Total.
Caste Hindus ..	22	12	3	1	38
Muslims ..	22	3	3	..	28
Scheduled Castes	..	1	..	..	1
Indian Christian	..	..	..	..	..
Anglo-Indian ..	..	..	..	..	..
Other minority communities.	..	..	..	..	..

Babu MADHUSUDAN SARKER: In consideration of the paucity cheduled Castes appointments in the department, will the Hon'ble ister be pleased to state whether Government consider the desirity of giving special facilities to the Scheduled Castes candidates, vailable?

Mr. SPEAKER: I am afraid you have not read the question. The stion is not about any new appointments; the question is about the ntation of some assistants to other departments. So, your question not arise.

Appointments in the Finance Department.

327. Maulvi MD. MOZAMMEL HUQ: (*a*) Will the Hon'ble ister in charge of the Finance Department be pleased to lay on the e (not on the Library table) a statement showing from the 1st April, ', up to date—

(*i*) number and names of persons promoted from the Lower to the Upper Division in the Finance Department;

(*ii*) how many of them are of—

(1) Caste Hindu,

(2) Muslim,

(3) Scheduled Castes,

(4) Indian Christian,

(5) Anglo-Indian, and

(6) other minority communities

(*iii*) how many have been superseded by the promotions referred to in (*i*);

(*iv*) who has been superseded by whom;

(*v*) how many persons have been promoted in that department to Assistant Secretaryship and Registrarship; and

(*vi*) what are their names and qualifications?

(*b*) Will the Hon'ble Minister be pleased to state whether there has any supersession by these promotions referred to in (*a*) (*v*)?

(*c*) If so, who has been superseded by whom?

(*d*) Will the Hon'ble Minister be pleased to lay on the table another ement showing—

(*i*) how many menials are there in the Budget Branch of the Finance Department;

(ii) how many of them are of—

(1) Caste Hindu,

(2) Muslim,

(3) Scheduled Castes,

(4) Indian Christian,

(5) Anglo-Indian, and

(6) other minority communities; and

(iii) how many of them have been appointed from the 1st April, 1937, up to date?

The Hon'ble Mr. NALINI RANJAN SARKER: (a) (i) Only one person, Babu Khagendra Nath Ghosh, was promoted from the Lower to the Upper Division in the Finance Department during the period from 1st April, 1937, up to date.

(ii) The promotee is a Caste Hindu.

(iii) There was no supersession, because the name of the promotee stood first on the list of assistants earmarked for promotion to the Upper Division. The promotee had been earmarked in 1928. There is no other assistant who had been earmarked for promotion earlier than 1929.

(iv) Does not arise.

(v) One person has been promoted to Assistant Secretaryship (Budget) and one to Registrarship.

(vi) Babu Hemanta Kumar Bhattacharyya, B.A., 1st Head Assistant, Budget Branch, was promoted to be Assistant Secretary, Budget Branch.

Maulvi Md. Nabi, M.SC., 1st Head Assistant, Audit Branch, was promoted to be Registrar, Finance Department.

(b) There was only one person senior to both Babu Hemanta Kumar Bhattacharyya and Maulvi Md. Nabi, but as he was due to retire about the time when these promotions were made, his case could not be taken into consideration.

As between the two promotees Maulvi Md. Nabi was senior but Babu Hemanta Kumar Bhattacharyya of the Budget Branch was preferred for the post of Assistant Secretary (Budget).

(c) Does not arise.

(*d*) (*i*) There are six menials in the Budget Branch including 4 orderly peons.

(*ii*) Four of them belong to the Scheduled Castes and two are up-country Hindus.

(*iii*) Four of them have been appointed since 1st April, 1937; one, an up-country man, was appointed in 1937, and the remaining three, all belonging to the Scheduled Castes, were appointed in 1938-39.

Realisation of arrear rents in the Western Duars Khas Mahals.

***328. Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact—

(*i*) that Government have kept in abeyance the realisation of rents in the Western Duars Government Khas Mahal for 2 years for the relief of the Khas Mahal tenants;

(*ii*) that the Government have now been resorting to the provisions of Revenue Sales Law for the speedy realisation of the arrear rents in the said area; and

(*iii*) that recently a number of estates there have been sold by auction by the Government under the Revenue Sales Law?

(*b*) Will the Hon'ble Minister be pleased to state the total number of acres that have been advertised for sale and sold by auction under the Revenue Sales Law in the Western Duars Government Khas Mahal since the issue of the Government Circular or Notification suspending collection of rent for two years by certificates?

(*c*) Are the Government considering the desirability of stopping the realisation of arrear rents through the help of the Revenue Sales Law till the certificate procedure is kept in abeyance?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) No.

(*ii*) Yes, but under circumstances provided in Rule 58 of the Crown Estates Manual, 1932.

(*iii*) Only 21 *jotes* have been sold in 1938-39 out of a total of 16,380 *jotes* in the Western Duars.

(*b*) Since the issue of the order suspending realisation of rents by certificate procedure 18,198 acres have been advertised for sale and 739 acres have been actually sold.

(*c*) No.

Deprovincialization of Noakhali R. K. Zilla School.

*329. **Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the years 1937-38 and 1938-39—

(*i*) the number of pupils in the Noakhali R. K. Zilla School;

(*ii*) the income derived from fees and other sources; and

(*iii*) the total expenditure of the school?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the numerical strength of students in the said school is small in comparison with those of other Government schools; and

(*ii*) that the school has no house of its own?

(*c*) If so, are the Government considering the desirability of deprovincializing the Noakhali R. K. Zilla School?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) The number of pupils on the rolls on the 31st March, 1938, was 195 against 210 on the same date of the preceding year.

(*ii*) The total receipts from fees, fines, ink-fees and seat rent amounted to Rs. 5,834-13 during the year 1937-38 against Rs. 5,782 in the preceding year.

(*iii*) The total expenditure during the year 1937-38 was Rs. 22,060-4 against Rs. 21,551 in the preceding year.

(*b*) Yes.

(*c*) No. The Noakhali R. K. School being the only Government high school in the district of Noakhali, it should continue to exist in the interest of education in the district.

Official mode of address to Presidents of Union Boards.

*330. **Mr. DHIRENDRA NATH DATTA:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the District Magistrates and Subdivisional Magistrates in addressing the elected Presidents of the Union Boards especially in the district of Tippera do not use the expression "I have the honour, etc." at the beginning and "I have the honour to be, Sir, Your most obedient servant" at the end as they used to do before?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of issuing instructions to the District Magistrates and Subdivisional Officers to use the official mode in addressing the Presidents of Union Boards?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Government have recently, in the interest of economy, directed the abandonment of the official form of address between officials in the districts and substituted the "memorandum" form. It has been ascertained that the local officers in some districts, including Tippera, have been using the "memorandum" form in their correspondence with the Presidents of Union Boards also. The use of this form for correspondence with Presidents of Union Boards does not imply any discourtesy, but on the other hand, connotes the existence of a relationship of the same close, friendly and informal character between local officials and Presidents of Union Boards as exists between the officials themselves.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what is the amount that has been saved by substituting this memorandum form?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice, Sir.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether there will be substitution of the memorandum form in the case of correspondence with other officers?

Mr. SPEAKER: Mr. Datta, I am afraid that you do not know the story of the Hon'ble the Chief Minister, viz., that when you use the expression: "I have the honour to be your most obedient servant" the word "servant" is a mistake. (Laughter.)

Mr. DHIRENDRA NATH DATTA: Sir, I want to know whether in relation to the correspondence with other officers, there was any substitution of the memorandum form, as you call it?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I don't know anything about it.

Mr. PROMATHA RANJAN THAKUR: With reference to the last three lines of the answer where the Hon'ble Minister has said: "on the

other hand, connotes the existence of a relationship of the same close, friendly and informal character between local officials and Presidents of Union Boards as exists between the officials themselves", is the Hon'ble Minister aware that Presidents of Union Boards stand on a different footing altogether from the officials who are paid?

Mr. SPEAKER: That is a question of opinion.

Mr. PROMATHA RANJAN THAKUR: They are not officials, Sir.

Mr. SASANKA SEKHAR SANYAL: The Hon'ble Minister has referred to economy. May I enquire whether it is economy of time, space or prestige?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Economy of time and money.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state what is the official method of addressing the officials by Presidents of Union Boards?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice, Sir.

Maulvi ABDUL LATIF BISWAS: In view of the answer given, will the Hon'ble Minister be pleased to state whether there are any reasons for taking exception to the Subdivisional Officers and District Magistrates using the memorandum form in their correspondence?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I don't think so.

Mr. RASIK LAL BISWAS: মাননীয় মন্ত্রীমহাশয় দয়া কোরে বলবেন কি, এই close relationship কি শালা ভগ্নিপতির মত নিকট সম্বন্ধ?

Mr. SPEAKER: Order, order. I think you can leave that for your domestic purpose.

Terrorist prisoners and their examination by an Advisory Committee.

*330A. **Mr. S. A. SALIM:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) what progress has been made in the examination of the cases of terrorist prisoners by the Advisory Committee appointed by Government; and

(*ii*) when is such examination likely to be completed?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir NAZIMUDDIN): The Committee has had 13 sittings and has made recommendations to Government in 113 cases. On the recommendation of the Committee, 98 prisoners have been released and the cases of 15 are under examination at the moment. This is in addition to 124 cases released by Government on its own initiative without reference to the Committee. One hundred and thirty-one cases remain to be considered by the Committee. In 66 cases the Committee considered it desirable to interview the convict before making a recommendation, and arrangements were made by Government for the first batch of such interviews on the 18th January, 1939. The convicts on that date refused to be examined individually by the Committee, who, however, on March 21st requested Government to afford a further opportunity for 12 representatives of those selected for interview to appear before them in order that their position might be more fully explained, and that the prisoners might be given an opportunity to revise their decision and adopt a reasonable attitude. This interview took place on 4th April, and it is understood that the prisoners are now considering their attitude afresh.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to enlighten us as to the reasons which led the Committee to have an interview with the 66 convict-prisoners before making any recommendation and what are the points that are going to be ascertained in the interview?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not asked the question to the Committee why they have done so.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if these convicts will be asked any question about personal undertaking or not?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no information on this point. This matter is in the hands of the Committee.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Excavation of the Tentulia-Balugram Canal, Faridpur.

129. Mr. JACAT CHANDRA MANDAL: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that the Tentulia-Balugram Canal in police-station Kashiani in Faridpur district has been silted up;

(*ii*) that there is failure of crops;

(*iii*) that the local people are living in distress; and

(*iv*) that the local people gave contribution of Rs. 2,500 to Government for survey and excavation of the canal?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state how has the contribution been utilised?

(*c*) If no action has been taken yet, are the Government contemplating the desirability of the survey and excavation of the canal?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) The condition of the Tentulia-Balugram *khal* is such as might be expected of a *khal* traversing a low-lying *bil* liable to flood during the rains. The improvement of this *khal* by itself cannot prevent the flooding of the *bil* through which the Balugram-Tentulia *khal* flows.

(*ii*) Failure of crops in the low *bil* lands adjoining the *khal* occurs here and there in years of high floods only.

(*iii*) Some distress has been caused to the people owing to the unprecedentedly high flood of last year.

(*iv*) The sum of Rs. 2,000 (not Rs. 2,500) was raised locally as a contribution towards the cost of a survey and an investigation which were considered necessary in order to ascertain the possibility of reducing the flood of the low areas north of the Madaripur Bil Route. No local subscription for the actual excavation of the canal has been paid.

(*b*) The sum contributed by the people has been fully utilised in doing a portion of the survey work, reading gauges, etc. The unfinished survey work is now being completed at the expense of Government.

(*c*) Does not arise.

Mr. PROMATHA RANJAN THAKUR: With reference to (*b*), will the Hon'ble Minister be pleased to state what Government are going to do after the survey work?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: They will consider whether it is possible to formulate a scheme to improve the drainage of the area.

Capital grant for the education of Scheduled Castes.

130. Babu LAKSHMI NARAYAN BISWAS: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact—

(*i*) that the Scheduled Castes Education Committee recommended to spend the capital grant of Rs. 5 lakhs in the year 1938-39; and

(*ii*) that the Government have not accepted the recommendation?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a copy of the proceedings of the meeting held in connection with the grant?

(*d*) Will the Hon'ble Minister be pleased to state in detail (item by item) how the sum of Rs. 1 lakh 97 thousand have been spent up till now?

(*e*) Are the Government considering the desirability of spending the unspent balance of Rs. 3 lakhs 3 thousand in the year 1939-40?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Yes.

(*ii*) and (*b*) Government have not accepted only such of their recommendations as were considered unsuitable.

(*c*) The proceedings are treated as confidential and I regret they cannot be placed on the table.

(*d*) A statement is laid on the table.

(*e*) Yes

Statement referred to in the reply to clause (d) of unstarred question No. 130.

The figure of Rs. 1,97,000 is the rough estimate of expenditure not the actual expenditure. The details of Rs. 1,97,000 are given below:—

		Rs.
(1) Pay of the staff	...	1,700
(2) Travelling allowance	...	400
(3) Other contingencies	...	3,700
(4) Stipends	...	20,000
(5) Grant-in-aid	...	1,71,000
Total	...	1,96,800
Say	...	1,97,000

Discriminating treatment of Indian patients in Eye Department of the Calcutta Medical College.

131. Mr. MAQBUL HOSSAIN: (*a*) Is the Hon'ble Minister in charge of the Public Health Department aware that in the Eye Department of the Calcutta Medical College, more attention is given to the European and the Anglo-Indian patients than the Indian patients?

(*b*) If so, what are the reasons therefor?

MINISTER in charge of the PUBLIC HEALTH DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) There is no difference in the attention given to European, Anglo-Indian and Indian patients in the Eye Infirmary of the Medical College Hospitals.

(*b*) Does not arise.

Supplementary Questions and Answers on the statement made by the Hon'ble Sir Bijoy Prasad Singh Roy on Starred Question No. 323A of 5th April, 1939, put by Mr. Abdul Wahab Khan.

Dr. NALINAKSHA SANYAL: Sir, I trust you will kindly allow us a little more time than usual to put supplementary questions in an exhaustive manner because the statement made by the Hon'ble Minister is exhaustive.

Mr. SIBNATH BANERJEE: On a point of information, Sir. I would like to know from you whether the privilege of putting supplementary questions would be given only to Dr. Sanyal or to every one of us, so that we may also put supplementary questions.

Mr. SPEAKER: I do not think that Dr. Sanyal stands in a special favoured position.

Dr. NALINAKSHA SANYAL: With reference to the statement made by the Hon'ble Minister that the District Magistrate informed Government that there were no hungry persons among those who approached him, will the Hon'ble Minister be pleased to state how the Magistrate had ascertained if the people were hungry or not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The District Magistrate had the opportunity of talking to these people. They first of all assembled round his house and from there they went round about the Church, where the District Magistrate went and met them and

discussed matters with them for hours together. So he had ample opportunity of ascertaining whether any of them was really hungry or not.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware of the use of any appetisometer or thermometer or barometre which could measure actually the degree of hunger in them?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: With reference to the statement that similar hunger-marches have been staged in more than one district, will the Hon'ble Minister be pleased to specify the particular hunger-marches he had in view, as referred to in the statement?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Speaking from memory, I may say that there were at least two more—one in Jessore and another at Madaripur in the district of Faridpur.

Dr. NALINAKSHA SANYAL: With reference to the specific marches referred to in Jessore and Madaripur as well as in Bakarganj, will the Hon'ble Minister be pleased to name the persons suspected to be responsible for having organised these marches and themselves remaining behind the scene?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have in my possession certain names which I will only be too glad to read out.

Persons suspected to be responsible for the so-called hunger-marches in Barisal are—

Satindra Nath Sen,

Gopal Chandra Mukherjee,

Monoranjan Chakravarty,

Ambika Charan Guha,

Suresh Ganguly,

Santosh Kumar Mukherjee, and

Kunja Behari Bose.

Those who are directly connected were—

Nirendra Nath Ghose,

Satindra Nath Sen,

Surendra Nath Ganguli, and

Birendra Nath Das Gupta.

Those who are responsible for the Faridpur hunger-march are the following:—

Jiban Ranjan Sarkar,
Kailas Chandra Sarkar,
Amiya Gupta (ex-convict),
Amulya Chakraverty,
Ranajit Ray Choudhury,
Nagendra Nath Gupta, and
Bagala Ranjan Guha Roy.

The person responsible for the Jessore hunger-march is K. C. Mitra.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state on what evidence he comes to the conclusion about these responsible gentlemen?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Collector had ample opportunity of satisfying himself that these are the persons directly responsible for staging these hunger-marches.

Dr. NALINAKSHA SANYAL: With reference to the statement that this is being organised purely for political purposes by the left-wing extremist political agitators, will the Hon'ble Minister be pleased to state what in the opinion of the Government is the objective of these left-wingers—is it independence of India or food for the masses?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I just mention one fact which will, I hope, convince the honourable members how nefarious the tactics were. The ex-detenu leaders on the 29th March advised the people in Barisal to go to the Collector and announced by beat of drum that the Collector would distribute Rs. 10 to each one of them. This is one fact.

The other is that the hunger-marchers on the 29th were led by ex-detenu Krisan, Manasa and Suresh Ganguly. They assembled in the Town Hall where they shouted their slogans. The slogans were "Down with the zemindars", "Free the peasants from debt", "We want agricultural loans".

Babu NARENDRA NARAYAN CHAKRABARTY: ভয়ানক খারাপ কথা।

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They indulged in some other slogans and expressions against the zemindars, union board oppression, Muslim League and they said "the local M.L.A.'s all live in

Calcutta. We are the friends of the hungry people; we have sold our shirts, our links and everything in order to help these unfortunate men". There were red flags in some places and the shouting of slogans. In other places there were abuses hurled as usual on the Chief Minister.

All these go to show that the object was mainly political.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if at any stage any of these so-called leaders or the organisers of hunger-marches or any individual hunger-marcher himself acted in any way which was against the law?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government consider that whole of it was unconstitutional.

Mr. SPEAKER: I hope Dr. Sanyal, you will be very short. I understand you are going to Puri to-night!

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, in view of the statement or threat held out that Government will not be coerced by such methods, how public opinion or the opinion of illiterate and ignorant masses of the rural areas will be recorded when they find themselves in helpless condition—whether they would go to the Subdivisional Officer or the Collector or whoever may be near about?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This is not the first occasion when the people are in need of agricultural loans and relief from Government. The people in the mufassil are fully aware of what effective methods they can take rather than taking recourse to unconstitutional methods. There are the union boards, the elected representatives of the people in this House and on the district boards and local boards through whom they may approach the Collector, the Subdivisional Officer or the Circle Officer for help. These methods had proved successful in the past and it was absolutely unnecessary to take recourse to these unconsitutional methods.

Dr. NALINAKSHA SANYAL: With reference to the unprecedentedly liberal policy adopted by Government regarding agricultural loans, will the Hon'ble Minister be pleased to state the average amount per head granted to each cultivator in the districts that have been affected by the 1938 floods?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not possible for me to work out what the average is, but certainly the total amount shows that the Government's help was very liberal and the total amount

comes to Rs. 56 lakhs in agricultural loans and about Rs. 10 lakhs in gratuitous relief and test relief work.

Dr. NALINAKSHA SANYAL: With reference to the statement that it is not possible for Government to substitute agricultural loans for ordinary rural short-term credit necessary to finance the cultivators, will the Hon'ble Minister be pleased to state if he is aware that short-term credit in the rural areas has become impossible as a result of the operation of the Bengal Agricultural Debtors Act?

The Hon'ble Mr. A. K. FAZLUL HUQ: No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the reasons for the statement that Government find that it is not possible to substitute the ordinary rural short-term credit?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Financial and administrative.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what policy Government propose to adopt to expand the rural credit and preserve what little credit is still left?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government in the Department of the Co-operative Credit are considering what measure they should adopt to re-establish rural credit. I can assure the honourable member that my colleague the Hon'ble Mr. Mullick is devoting himself whole-heartedly to this question.

Mr. Surendra Nath Biswas rose in his seat.

Mr. SPEAKER: I have to close it at 5 o'clock. I hope you will remember that I am now carrying on negotiation and discussion with Government with a view to allow an opportunity to the House to discuss whenever any important policy is involved. Until then the best way would be to allow supplementary questions, but the time that can be allowed to-day would not be adequate. I can allow two questions to Mr. Biswas and two questions to Mr. Ghose.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that a press note was issued on the 21st August 1938 stating that Government were prepared to give three kinds of relief to the distressed people, namely, gratuitous relief, agricultural loans, and test work relief?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that adequate relief was not given to the people of several localities who approached Government for adequate relief in September last?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government do not admit that adequate relief has not been given.

Mr. SURENDRA NATH BISWAS: My question was if it is a fact that the people said that the relief given was not adequate and so they approached Government officers for relief.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is a fact that people approached Government for relief but not on the plea that the relief was not adequate.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if it is a fact that on the 30th Aswin a petition was submitted to the District Magistrate of Faridpur under the signature of 500 agriculturists to the effect that the relief given in that locality was only Rs. 5 per head and that only 20 per cent. of the distressed people got relief and 80 per cent. did not get any. They wanted the District Magistrate to make an enquiry and to give relief to the people who did not get it?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am afraid I do not remember to which particular memorial the honourable member refers.

Mr. SURENDRA NATH BISWAS: A memorial was submitted by the people of the Dasha and Amgaon Unions.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I cannot carry everything in my memory.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that Mr. Kailash Chandra Sarker is a Namasudra Mukhtear practising at Madaripur and has no connection with politics?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Our information is that he has nothing to do with law, but he has much to do with politics or local agitation.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is a fact that when the Hon'ble Mr. Mukunda Behary Mullick went to Madaripur about 2 to 3 thousand agriculturists

went to him knowing that a Minister of the Government of Bengal had come and they approached him for relief?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: How can I answer this question: I do not know.

Mr. SURENDRA NATH BISWAS: Is it a fact that when the Hon'ble Minister himself went to Madaripur, several people tried to approach him for relief?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, I met people and discussed matters with them.

Mr. SURENDRA NATH BISWAS: Is it not a fact that hundreds of these agriculturists went to Madaripur, knowing that the Hon'ble Minister had gone there, in order to approach him for relief?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Whenever Ministers go to the mufassil, people come to meet them and discuss matters with them. It is nothing unusual

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware that one Ratikanta Mandal of Lohagara police-station died of starvation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, there was not a single instance of death due to starvation

Mr. ATUL KRISHNA GHOSE: On whose information does the Hon'ble Minister say that there is not a single case of death by starvation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On the information of the Collector.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to institute a fresh enquiry in order to enlighten us on the point, because I personally know that the man committed suicide owing to starvation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If the honourable member asserts in that way, it is not for me to contradict him; but I may say that Government are perfectly satisfied that there was no such instance and Government consider that it is absolutely unnecessary to institute a fresh inquiry.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware that some 5,000 peasants of Kalia thana, more than 5,000 peasants of Lohagara thana and more than 2,000 peasants of Narail thana approached the District Magistrate personally and according to his instructions submitted an application in writing that 50 per cent. of them had not received any agricultural loan as yet?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have no information on that point.

Mr. ATUL RRISHNA GHOSE: Does the Hon'ble Minister remember his own words that out of the 12 lakhs and odd peasants in Jessore only about 80,000 peasants have received help and the *per capita* help has amounted to only Rs. 4-10? Under such circumstances how does the Hon'ble Minister assert that adequate help has been given to the peasants of Jessore?

Mr. SPEAKER: I am afraid, Mr. Ghose, you are cross-examining the Hon'ble Minister and not putting supplementary questions.

Mr. ATUL KRISHNA GHOSE: Sir, It is very difficult to get the real state of things from the Hon'ble Minister otherwise but if I can refer to the speeches and the commitments of the Hon'ble Minister on the floor of this House and then if I put supplementary questions the Hon'ble Minister becomes helpless and he has got to give out the real state of affairs.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the *per capita* figure does not show very much in this case and Government consider that the amount distributed in the district of Jessore in the shape of agricultural loan was quite sufficient.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that the Subdivisional Officer of Narail subdivision promulgated section 144, Cr. P. C., against Mr. K. C. Mitra whom the Hon'ble Minister has depicted as the ring leader of the so-called hunger-marchers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that the District Magistrate intervened and at once the Subdivisional Officer withdrew part of his order under section 144, Cr. P. C., by allowing him to inhabit in the subdivision but prohibiting him at the same time to address any meeting?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, that question only shows that Mr. K. C. Mitra was responsible and some steps had to be taken against him.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that the District Magistrate refused his appeal?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is not a fact that when he went to Madaripur for the last time in the month of January, he consulted the District Magistrate and the Subdivisional Officer of Madaripur and came to know that there was necessity of giving agricultural loans and other kinds of relief to the needy agriculturists?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state——

Mr. SPEAKER: Order, Order. Questions are closed.

GOVERNMENT BILL

The Bengal Amusements Tax (Amendment) Bill, 1939.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to introduce a Bill subjecting dog racing to the betting tax.

The Secretary then read the short title of the Bill, *viz.*, a Bill further to amend the Bengal Amusements Tax Act, 1922.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the Bengal Amusements Tax (Amendment) Bill, 1939, be taken into consideration.

Dr. MAFIZUDDIN AHMED: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I may accept the amendment for circulation, if it be for a short period.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I beg to oppose this acceptance of the motion for circulation which appears to be quite unusual. On a previous occasion when a similar motion was tabled for discussion we had an opportunity to make our observations about taxation proposals and we said then that no further taxation should be contemplated by the present Government before they made out a definite case for burdening the people with fresh taxes. But at the same time it must be admitted that we on the Congress side would desire that taxes must be levied where taxes are due and not where the middle class or the poor people have to suffer. Here is a case of dog racing going to be taxed as the Hon'ble Finance Minister has made clear. If dog racing is at all allowed by the present Government, as it has been allowed under certain extraordinary measures, we on this side do not find any ground whatever for leaving dog racing free from taxation, particularly when similar betting in other places are taxable. There can be no ground whatsoever to permit a long lease of life to non-taxed dog racing and betting in connection therewith unless there is some ulterior motive on the part of some individuals concerned in the matter. I, therefore, claim that the House should give its very careful consideration to a measure like this and the Hon'ble the Finance Minister would do well not to be guided merely by an unthinking majority but by his own common sense, particularly when he, as Finance Minister, has brought forward a Bill, a taxation measure, which is of a very important and very vital nature. Sir, so far as the measure is concerned, I do submit that there have been some misgivings. I have felt for example—and if the motion for consideration is taken up myself and other friends will make their points clear—there has not been a fair attempt to legalize dog-racing through the back-door by having recourse to this taxation measure, but even then, so long as this dog racing will go on, there is no reason why it should be exempted. I, therefore, have given notice of my motion for sending it to a Select Committee and if the Hon'ble Minister would be well advised, I would ask him to accept my motion for placing it before a Select Committee rather than the motion of my honourable friend for eliciting public opinion. There can be no public opinion necessary in a taxation measure of this type. If taxation on dog racing is the only issue before the public, then the public will with one clear verdict say that dog racing and any kind of betting must be taxed.

I submit, therefore, that there is no case for eliciting public opinion at all. There may be a case for examining the clauses of the Bill as they stand, and for that a Select Committee will be particularly helpful and probably that would be the best course that the Hon'ble Minister could think of.

Sir, I, therefore, oppose the amendment for eliciting public opinion.

Babu NARENDRA NARAYAN CHAKRABARTY: আমি আমার বন্ধু ডাঃ নলিনাক্ষ সান্যালের জনসাধারণ্যে প্রচার-বিরুদ্ধিতা প্রস্তাব সম্পূর্ণরূপে সমর্থন কোরছি। এই তো দুদিন আগে Finance Bill পাশ করাবার উপলক্ষে মাননীয় সুযোগ্য অর্থসচিব মহাশয় আশ্বস্ত কণ্ঠে আমাদের জানিয়েছেন যে, বাংলাদেশের মধ্যবিত্ত সম্প্রদায়ের অধিকাংশ লোক গভর্ণমেন্টকে বাঁচিয়ে রাখবার উদ্দেশ্যে কিছু কিছু টাকা দিতে সমর্থ, —তাহাদের অবস্থা এরকম দুর্দ্দশাগ্রস্ত হ'য়ে পড়ে নাই যাতেকোরে এক-আধটা অতিরিক্ত ট্যাক্স না দিয়েই এই গভর্ণমেন্টের অধীনে সুখে এবং স্বচ্ছন্দে বাস করবার অধিকার তারা ভোগ কোরবার আশা করতে পারে। তারপর আজকে,—আমাদের অর্থসচিব মহাশয়ের সঙ্গীরূপে যিনি আমাদের বাংলাপ্রদেশের অর্থসংক্রান্ত ব্যাপারে সর্ব্বশ্রেষ্ঠ অংশ যুগিয়ে থাকেন সেই রাজস্বসচিব মহাশয়ের শ্রীমুখ থেকে শুনলাম যে, বাংলাদেশের হাজার হাজার ক্ষুধাতুর ব্যক্তি, যারা তাঁদের কাছে আবেদন এবং নিবেদন নিয়ে উপস্থিত হয়, তারা সকলেই দুরভিসন্ধি নিয়ে তাদের ব্যতিব্যস্ত করবার জন্য রাজনৈতিক উদ্দেশ্য-সাধন কোরতে তাদের দ্বারস্থ হ'য়ে থাকে; এবং তারা যে সব অভিযোগ কোরে থাকে তার ভেতর সত্যতাও থাকে খুব কমই। তিনি আরও বোলেছেন যে সম্প্রতি নানা-স্থানে যে-সব ক্ষুধিতদের অভিযানের কথা শুনতে পাওয়া যায়, সেগুলি সবই সম্পূর্ণ বে-আইনী কার্য্য। অর্থাৎ ক্ষুধার্ত্তেরা যখন বলে খেতে চাই, ঘরে তাদের খাবার নেই, মন্ত্রীমশাইএর মতে সে কথা বলবার তাদের অধিকার নেই। জনসাধারণের অভাব, অভিযোগ, তাদের দুঃখ ও দুর্গতির কথা চিরদিনই ধনতান্ত্রিক গভর্ণমেন্টের নিকট বে-আইনী বলেই বিবেচিত হয়ে থাকে। বাংলাদেশেও তার ব্যতিক্রম হয়নি। যাদের বস্ত্র নেই, তারা বস্ত্র চাইতে পারবে না; চাইলেই হবে বে-আইনী দাবী; পানীয় জলের অভাবে যখন শুষ্ক কণ্ঠ রুদ্ধ হোয়ে আসে তখন সে কথা বলা মহা-পাপ; বললেই হবে রাজদ্রোহ। যে রাজ্যের এই-প্রকার আইন ব্যবস্থা, সেই রাজ্যে যে কুকুর দৌড় খেলা ও জুয়ার আড্ডা রাজানুগ্রহ লাভ করবে, এ কথায় আমরা অন্ততঃ বিস্মিত হইনি। কুকুর দৌড় বা জুয়া যারা খেলে, তারা যখন Hunger Marcher নয়, তারা যখন ক্ষুধিত নয়, নিশ্চয়ই তারা কোন বে-আইনি কাজও করতে পারে না! রাজানুগ্রহ তারা লাভ করেছে, তাদের সব কাজই আইনসঙ্গত। জুয়া খেলা, জুয়াচুরি, যেখানে রাজানুগ্রহ লাভ করে থাকে, সেখানে যে দুর্গতের আর্ত্তনাদ, দুঃখীর দীর্ঘশ্বাসের প্রবেশ নিষেধ,—একথা বোঝবার মত শক্তি আমাদের আছে। বাংলা গভর্ণমেন্টের মন্ত্রীমণ্ডলীর পৃষ্ঠপোষকতায় ও আশীর্ব্বাদের কল্যাণে কুকুর দৌড় বাংলায় অবাধে চলতে থাকু। বিদেশী-দ্বারা প্রতিষ্ঠিত হোয়ে এবং স্বদেশীয়দের সাহায্যে তার আরও প্রসার হোক, শ্রীবৃদ্ধি হোক। আমাদের মহামান্য বড় সচিব মহাশয় তার কোরবেন পৃষ্ঠপোষকতা, অর্থসচিব মহাশয় তাকে কোরবেন আশীর্ব্বাদ আর রাজস্বসচিব দেবেন ফুল বিল্ব-পত্র আর দুর্ব্বা; এবং শুধু বাইরে এই জুয়া খেলা না চালিয়ে এই পরিষদ-কক্ষে যদি মন্ত্রী-মণ্ডলী ঘোড়া, গরু, কুকুর এবং গাধার দৌড়ের ব্যবস্থা করতে পারেন, তাঁদের পরিশ্রম ও সময়ের লাঘব হবে, পকেটের স্ফীতিও আরো কিঞ্চিৎ বৃদ্ধি পাবে। দেশকে কুকুর দৌড়ের মাঠ আর জুয়ার আড্ডায় পরিণত করবার হীন ষড়যন্ত্র অবাধে বাংলার মন্ত্রীমণ্ডলীর জয়গান করতে থাকুক।

জনহিতকর কোন রকম কার্য্যের কথা তুললেই গভর্ণমেন্টের মুখ থেকে পূর্ব্বাপর একটি জবাব শুনে আসছি—টাকা নেই। এই টাকা না থাকবার জন্যই, আমরা ক্রমাগত শুনে আসছি যে Primary Education এর ব্যবস্থা করা সম্ভবপর হোচ্ছে না। টাকা না থাকবার জন্য দেশের কোন প্রকার উন্নতিমূলক কাজ, শিক্ষা, স্বাস্থ্য, সমাজ সম্বন্ধীয় এবং শিল্প ও বাণিজ্যের উন্নতিমূলক পরিকল্পনা কল্পলোকেই থেকে গেল, শরীরী আর হোল না। এমন কি দেশের অগণিত অভাবগ্রস্ত লোকের অন্ন-বস্ত্রের কোন ব্যবস্থা নেই, তাদের কোন-রকম সাহায্যের আশা পর্য্যন্ত দেওয়া সম্ভব হচ্ছে না, কেন না অর্থ নেই। বিলাসী ধনিরাই কুকুর দৌড় খেলে থাকে। অনাবশ্যক বিলাসিতা আমোদ-প্রমোদে এরা অজস্র টাকা উড়িয়ে দেয়। এদের বিলাস পকেট থেকে কিছু আদায় কোরে আনলে মহাভারত অশুদ্ধ হয়ে যেতো না। ক্ষুধিতেরা অন্ন

চেয়ে অন্ন পায় না, তৃষাতুর শুষ্ক কণ্ঠে, জল দিতে পারে না, দেশের লোকের অভাব-অনাটন আর দুর্গতির অন্ত নেই, টাকার অভাবে দেশময় প্রাথমিক শিক্ষা-প্রবর্ত্তন ব্যাপারে গভর্ণমেণ্ট হস্তক্ষেপ কোরতে অক্ষম এ-সময় বড় লোকদের কাছ থেকে কিছু অর্থ আদায় করবার যখন সুযোগ রয়েছে, তখন গভর্ণমেণ্টকে সেই টাকা আদায়ের সুযোগ গ্রহণে ইতস্ততঃ কোরতে দেখে আমরা দুঃখিত হই কিন্তু বিস্মিত হই না। আমরা বর্ত্তমান গভর্ণমেণ্টের স্বরূপ চিনি, জানি। দেশ ও জাতির সঙ্গে বর্ত্তমান গভর্ণমেণ্টের সম্বন্ধ বুঝি। তার চাল, মতলব, কারসাজী সবই আমাদের নিকট নখ-দর্পনের মতই স্পষ্ট, সহজ, স্বয়ং প্রকাশ। কিন্তু ভাঁওতা দিয়ে গভর্ণমেণ্ট কতদিন আর দেশের লোককে ভুলিয়ে রাখবেন? শুধু ভাঁওতা দিয়ে দেশের লোককে ভুলিয়ে রাখবার ব্যবস্থাকে আমরা ঘৃণা করি। সহরের যাঁরা ধনী বাসিন্দা তাঁদের পক্ষে অনেক কিছু বিলাস, ব্যসন ও প্রমোদের দরকার হতে পারে, মন্ত্রীমণ্ডলী ও ধনীর পক্ষে কুকুর দৌড়ের প্রয়োজনীয়তা অনিবার্য্যও হ'তে পারে, কিন্তু আমরা পল্লীগ্রামের অগণিত দুঃখ-দুর্দ্দশাগ্রস্ত জনসাধারণের কাছ থেকে যারা এসেছি, যাদের আমরা আজও মুখ ফুটে বলতে পাচ্ছি না যে আমরা তাদের প্রকৃত উপকার কিছু করতে পেরেছি, যাদের দুঃখ কষ্ট লাঘবের জন্য ২ বছরের মধ্যে উল্লেখযোগ্য কোন ব্যবস্থাই করতে পারিনি তাদের তরফ থেকে আজকে বলতেই হবে যে, আমরা এই সমস্ত ভাঁওতায় আর ভুলতে রাজি নই। আমি এই পরিষদের সমস্ত সভ্যকেই দল-নির্ব্বিশেষে, এই ধাপ্পা-বাজীর ও ধোকা-বাজীর বিরুদ্ধে দাঁড়াবার জন্য আমার সমস্ত প্রাণের ব্যাকুলতা নিয়ে, আবেগ নিয়ে, নিবেদন কোরছি। এক দিনের জন্যে আসুন সকলে মিলে একত্রে দাঁড়াই। দুর্দ্দশাগ্রস্ত কৃষককুল আজ বাঁচতে চাইছে, নিরন্ন জনসাধারণ আজ অন্ন চাইছে। ধনীদের কাছ থেকে অর্থ আদায় করবার একটি মাত্র উপায় আজ আমাদের সম্মুখে উপস্থিত হয়েছে, সেটাকে ধনী মন্ত্রীদের ভাঁওতায় ভুলে যেন পণ্ড কোরে না দিই। আমি জানি যে, Circulation এর প্রস্তাব অর্থাৎ জনসাধারণের কাছে বিলটিকে প্রচারের জন্য পাঠাবার এই যে পরিকল্পনা, এটা জনসাধারণকে ঠকিয়ে অনির্দ্দিষ্ট কালের জন্য Bill টিকে স্থগিত রাখবার অপকৌশল ভিন্ন আর কিছুই নয়। কারণ আমরা বরাবর লক্ষ্য কোরে দেখেছি যে, সমস্ত বিষয় মন্ত্রীমণ্ডলী অনতিবিলম্বে কার্য্যকরী করতে চান না, সেইগুলিকে দেরী করবার জন্য অতি সহজেই একটা Circulation প্রস্তাব দাঁড় করানো হয়। Finance Bill পাশ করাবার সময় Circulation এর প্রশ্ন ওঠেনি বা Municipal Bill এর বেলায়ও প্রচারের কথা মনে হয়নি। বাস্তবিকই যদি Government এর হঠাৎ অর্থের এতই স্বচ্ছলতা এসে থাকে তাহলে তাঁরা সে কথা স্পষ্ট কোরে বলুন। তাহলে বলুন যে 'বাংলা-দেশের সর্ব্বত্র অবৈতনিক প্রাথমিক শিক্ষা যে প্রবর্ত্তন করা হোচ্ছে না, তা' অর্থাভাবের জন্য নয়; শিল্প-বাণিজ্যের কোন-রকম উন্নতি সাধন যে সম্ভবপর হয় নি, তা' অর্থাভাবের জন্য নয়; সেচ্ বিভাগের কাজ যে বন্ধ রয়েছে তার মূলেও অর্থের অভাব নেই। এ সব কাজ না করার কারণ অন্য কিছু। মন্ত্রীমণ্ডলীর অনিচ্ছা। তাঁদের অক্ষমতা। আমি এই পরিষদের সকল দলের সভ্যদের আবার নিবেদন কোরছি—আসুন আমরা সকলে মিলে একত্রে এই Circulation প্রস্তাবের বিরুদ্ধাচরণ কোরি। বেহালায় যে কুকুর দৌড় খেলা চোলছে সেটা সত্য ঘটনা। এই পরিষদে একটু আগেই রাজস্ব-সচিব মহাশয় hunger-march সম্বন্ধে যেমন অনুমান কোরে দুর্গতদের ও দেশের কর্ম্মীদের আক্রমণ করেছেন, বড় লোকদের কুকুর দৌড় খেলায় সে রকম অনুমানের কোন স্থান নেই। সুতরাং যাতে অবিলম্বে এই কুকুর দৌড়ের উপর ট্যাক্স বসানো হয় দল-নির্ব্বিশেষে এই পরিষদের সকল সভ্যেরই তার জন্য উপায় অবলম্বন করা উচিত। এবং সেই ট্যাক্স দ্বারা যদি এই বুভুক্ষু দেশের একটী লোকেরও অন্নের সংস্থান হয়, যদি একটী-মাত্র মুমূর্ষু লোকেরও প্রাণ রক্ষা করা যায়, তবে সেটাকেই মস্ত লাভ বলে ধ'রে নিতে হবে। এবং এই ব্যবস্থা-পরিষদ বাংলার জনসাধারণের আশীর্ব্বাদ লাভ করবে। কাজেই আসুন আমরা আর সব কিছু ভুলে গিয়ে দলগত যা কিছু পার্থক্য সব ভুলে গিয়ে, আসুন একটি মাত্র জায়গায় দাঁড়িয়ে বলি—

বড় লোকদের খাম-খেয়ালী বন্ধ করবো। এ-কথার মধ্যে মন্ত্রীমণ্ডলীর বিরুদ্ধে কোন অনাস্থার অভিযোগ নেই। সাদা, মোটা, অনাবৃত সামাজিক সমস্যা এটা। আসুন আমরা নিরন্ন প্রজা-সাধারণের সাহায্য করবার জন্য একটু চেষ্টা করি। অন্ততঃ একটা দিনের জন্যও আমরা ভুলে যাই, আমরা কে, কী এবং কোন্ দলের। শুধু আমরা জনসাধারণের সেবা ও সাহায্যের ব্যবস্থা করবো। গত তিন মাস ধরে বাজেট আলোচনায় আমরা যে এত টাকার শ্রাদ্ধ করবার ব্যবস্থা করেছি, মন্ত্রীমণ্ডলীর নির্দ্দেশ অনুসারে, তার মধ্যে যদি আমরা সকলে একত্র হোয়ে এই একটা বিধান এখনি গ্রহন করতে বাধ্য করি মন্ত্রীমণ্ডলীকে, তা'হলে আমাদের এখানে আসার একটু সার্থকতা থাকবে।

আজ দেশের যে অবস্থা আমরা লক্ষ্য করছি, সে অবস্থায় কি নূতন কর ধার্য্য করবার আর প্রয়োজনীয়তা নেই? এ-কথা কি মন্ত্রীমণ্ডলী স্পষ্ট কোরে বোলতে পারেন? অর্থাভাবের জন্যই দেশের অগনিত ক্ষুধিত, তৃষিত নর-নারীর অন্নকষ্ট, জলকষ্ট নিবারিত হোচ্ছে না, এই অর্থের অভাবেই শিক্ষা ও স্বাস্থ্যের ব্যবস্থা করা সম্ভব নয়। Government যদি নাই চান, আমাদের আজ বলতেই হবে যে, অর্থের প্রয়োজনীয়তা আছে। নিরন্নদের মুখে অন্ন দেবার জন্য অর্থের প্রয়োজনীয়তা আছে। বস্ত্রহীনকে বস্ত্র দিবার জন্য অর্থের প্রয়োজনীয়তা আছে। সামান্য একটু জলের অভাবে, পল্লীর সুদূর প্রান্তে যে সকল অসহায় নর-নারী "জল দাও, জল দাও" বোলে শুষ্ক কন্ঠে আর্ত্তনাদ করছে, তাদের মুখে একটুখানি জল দেবার জন্য অর্থের প্রয়োজনীয়তা আছে। এই বিল অবিলম্বে পাশ করা দরকার। আপনারা যাঁরা মন্ত্রীমণ্ডলীর সমর্থক তাঁরা তাদের সব কিছুতেই সাহায্য করেন বোলে মন্ত্রীমণ্ডলী এই প্রকারের কার্য্য করতে ভরসা পান। যদি আজ মন্ত্রীমণ্ডলী তাঁদের এই কার্য্যে আপনাদের সমর্থন পান তা'হলে বুঝতে হবে এই ষড়যন্ত্রের মধ্যে আপনারাও আছেন। আমাদের বড় সচীব আমাকে বাহবা দিচ্ছেন। তাঁকে দেখে আমার দুঃখ হয়। মানুষের যখন অধঃপতন হয়, তার জন্য স্বভাবতই দুঃখ হয়। কিন্তু আরও বেশী দুঃখ হয় তখন, যখন দেখা যায় যে, যে মানুষটির অধঃপতন হোয়েছে, সে তার নিজের সেই অধঃপতনের বিষয় বুঝতে পারে না।

(A member from the Coalition party: আপনার অধঃপতন ত আপনি বুঝতে পেরেছেন।) বাংলার হিন্দু-মুসলমান যে মৌলবী ফজলুল হক সাহেবকে আদর্শ দেশসেবক বোলে গ্রহন করত, তিনি আজ বাংলার দুঃখ দুর্দ্দশার কথা শুনে হাসছেন, এতে আশ্চর্য্য হবার কিছুই নেই। এতদিন তিনি ছিলেন মৌলবী ফজলুল হক; আর আজ তিনি হোয়েছেন মো-লোভী ফজলুল হক। আজ বাঙ্গালী জাতির দুঃখ দুর্দ্দশা ওঁর অন্তর স্পর্শ করে না, জাতির বেদনা, দৈন্য ও হতাশা ওঁকে কাতর করতে পারে না; নিজের ইষ্ট ও স্বার্থই আজ ওঁর মুখ্য চিন্তা। তাই আজ আর দুঃখীর দুর্দ্দশা মোচনের কোন প্রশ্ন ওঁর মনে স্থান পায় না। এখন আর ওঁর বেদনা-কাতর চক্ষু দিয়ে আগের মতন জল গড়ায় না। কেন না মৌলবী ফজলুল হক, জাতির সেবক ফজলুল হক, মো-লোভী ফজলুল হক এ পরিণত হোয়েছেন। বাঙ্গালী জাতির বিরুদ্ধে হীন ষড়যন্ত্র থেকে নিজেকে মুক্ত করবার জন্য চেষ্টা করবেন, এই———

(The member having reached the time-limit resumed his seat.)

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, on more than one occasion on the floor of this House, I tried to impress upon this Government, particularly on the Hon'ble the Finance Minister, to explore new avenues of taxtion, and in this connection, Sir, I impressed upon the Hon'ble the Finance Minister the necessity of levying a licence-fee on the Turf Club of Calcutta.

Sir, it is an eleventh-hour surprise for me to find that a member belonging to the Coalition Party has abruptly moved for the circulation of this motion of the Hon'ble the Finance Minister.

Sir, I can understand this motion being moved by a member of the other party. Am I to take it, Sir, that this is a motion on behalf of Government and on behalf of the present Cabinet, I mean the Treasury Benches?

Sir, we know, and know very well, that the Coalition Party in a meeting decided finally that this Bill would not only be introduced but that it would be considered and passed in the same session. (Cries of "No, no" from the Coalition Benches.)

Mr. ABDUL WAHAB KHAN: On a point of order, Sir. Is the honourable member entitled to refer to decisions of party meetings?

Dr. NALINAKSHA SANYAL: He is telling the truth!

Mr. ABDUL WAHAB KHAN: No, it is not true.

Mr. SPEAKER: I hope honourable members will realise that if the proceedings or decisions of party meetings are brought forward before this House, then the danger is that every internal detail of parties will be discussed by others, which is not at all desirable, because there are many things which are said freely and frankly in party meetings. I hope, therefore, Mr. Hashemy will not refer to decisions of party meetings.

Mr. Khwaja SHAHABUDDIN: Especially when they are untruths and misstatements!

Maulvi ABU HOSSAIN SARKAR: As if you have got the monopoly of telling the truth!

Mr. SYED JALALUDDIN HASHEMY: What is the background, Sir, behind the Behala dog racing? Sir, you will remember that by an executive order the Behala dog racing was introduced a few months ago. Abruptly, the Hon'ble the Home Minister stopped it. He then told us that dog racing was reintroduced by an executive order, on the plea that a certain amount would be paid to the tuberculosis fund of His Majesty the King Emperor.

Sir, we were so long expecting that this executive order would expire on the 31st March, 1939; instead we find that a Bill has been introduced by Government for legalising dog racing and thereby taking some tax out of that. We were also expecting that, in addition to the amusement tax, betting tax and, if possible, income-tax and super-tax, the Hon'ble the Finance Minister would certainly levy a licence-fee, which would yield not less than a lakh of rupees

from this Behala dog-racing. But in spite of our expectations what we find is this: that this Bill will go for circulation for eliciting public opinion thereon!

Sir, public opinion on this matter has already been given by every section of the people of Bengal. Newspaper comments on this subject are more than sufficient, and the different associations in Calcutta and also outside Calcutta have already given their opinions. Therefore, Sir, further eliciting public opinion is absolutely unnecessary. May I ask the Hon'ble Ministers: what is the motive behind this circulation motion? Sir, I can understand that there is something going on behind it. If this Bill is passed into law this evening, the National Sports Club cannot be made further great. I have got information that the National Sports Club, who are responsible for introducing this dog racing, have paid substantially to some members of this House. I will go further and say that they have also paid to some members of Government to perpetuate this nuisance in the suburbs of Calcutta.

Sir, if that is so, if this Bill is passed into an Act, no more money can be taken from that Club illegally, (Dr. NALINAKSHA SANYAL: Hear, hear)—I say illegally. I have got in my possession an account book of that particular Sports Club. How much do they pay to certain members of the Coalition Party and some members of the Cabinet, I mean the Treasury Bench and how much do they spend for certain other purposes;—the account is there. It is being audited or it will be audited very soon and it will be clear from the audit report——

Dr. NALINAKSHA SANYAL: Rs. 1,000 to Mr. Nooruddin.

Mr. SYED JALALUDDIN HASHEMY: I do not know that. I would appeal to all members of all sections of this House, particularly I would appeal to the Hon'ble the Finance Minister, not to accept this motion for circulation. In that case the burden of the whole thing will fall on him that he has shelved this Bill, and he has not made an attempt to pass this Bill into an Act. Time has come for us to study things from every angle of vision. There are parties in Calcutta and in the suburbs who are prepared to give lakhs and lakhs of rupees and who are ready to pay Rs. 200 or Rs. 300 as contribution to Tuberculosis Fund if they are allowed to have stadiums for the Carnivals not in Calcutta but in the suburbs of Calcutta. If this Bill is passed into an Act to-day, there will be competitions amongst the persons who have inclination to start stadiums or similar sports clubs and thereby Government will be able to realise a large amount of amusement tax, entertainment tax, betting tax, income-tax as well as licence-fee, and if they also levy a heavy licence-fee, say, Rs. 2 lakhs for giving permission to introduce stadiums or sports

club in Calcutta, then there will be an effective check both on promoters of these clubs and on people who are engaged in gambling. It will be our duty to see that Government get more money for the poor. It is our view that such clubs must pay more money for rural uplift, for primary education and similar other things. For these purposes Government must have new sources of income. When we have every opportunity to tax a particular sports club who are ready to pay and who are even ready to pay licence-fees for the purpose why is the Government delaying to levy this tax? If this Bill is passed into law, there will be lots of applications from other parties for similar things. We know we have no power to stop it, because Government will exercise their executive power and give licences to parties for this purpose which no one, be he a Hindu, Muslim or Christian, will like. But under the circumstances as we are placed, we will have to see that these things are not continued under executive orders. In that case there will be no money forthcoming in the coffers of the provincial exchequer. It is our bounden duty to pass this Bill into an Act. With these words I would appeal to the members of the Coalition Party to rise up and say whether it is true that this morning it was decided that this Bill will not be considered but that it will go out for circulation. (Mr. ABDUL WAHAB KHAN AND OTHERS FROM THE COALITION GROUP: No.)

Let the Chief Whip of the party say so. I appeal to the members to try their level best to have this Bill considered and passed this evening moved by the Hon'ble the Finance Minister.

Mr. M. A. H. ISPAHANI: I thought that irresponsibility was the privilege of Mr. Abu Hossain Sarkar, but I now find that other members of this House are also indulging in the same reckless sport. (Interruptions from the Opposition Benches.)

Mr. SPEAKER: I hope even if the members do not indulge in dog racing, they will carry on this debate, on the day they will leave for the vacation, in a sporting spirit. (Laughter.)

Mr. M. A. H. ISPAHANI: Just before I rose to speak the honourable member who addressed the House, started by making a statement that is as far removed from truth as is the moon from me. He has in the course of his speech stated that certain members of the Government or Government party have thought it wise to circulate this Bill for eliciting public opinion just because they felt that if the Bill was enacted into law their hold on the National Sports Club would cease, with the result that the financial support and remuneration that they had been accustomed to would also terminate. Sir, as a responsible governor of the National Sports Club I want to make it clear——(interruptions from the Opposition Benches).

Mr. SPEAKER: Order, order. I think you will realise that even though you do not agree, everybody is entitled to have his say. If there is any drowning of the voice, the very principle of the debate falls through and I think the majority of the House will do exactly the same thing to the minority.

Mr. M. A. H. ISPAHANI: I want to make it absolutely clear to the House and I do not fear any honest contradiction, that there is absolutely no truth in the statement made by the member who has just spoken. The records of our club are clean and clear, and I challenge not only the member who just spoke but any member of the Opposition to prove that for certain financial consideration responsible members of the Government or of this Party have decided to circulate this Bill——

Dr. NALINAKSHA SANYAL: Will you contradict that some members of the Coalition Party are paid something?

Mr. M. A. H. ISPAHANI: I hope Dr. Sanyal will at least credit me with common-sense and with the education to understand the English language as she is spoken.

Mr. SANTOSH KUMAR BASU: Be straight as the dog races.

Mr. M. A. H. ISPAHANI: If you followed that straight-track, you would do much better in life. I do not propose to make any further comments on the speech just made.

The Hon'ble Mr. NALINI RANJAN SARKER: I can at once——

(Babu Nagendra Nath Sen of the Opposition, Maulvi Abdul Latif Biswas, and some other members of the Coalition Party wanted to speak on the motion before the House.)

Mr. SPEAKER: I purposely wanted to close this debate now, but I am perfectly willing to continue it if I am given this assurance that while one member will speak there will be absolutely no interruption: if that assurance is given I am quite prepared to prolong the debate, but, otherwise, if this debate is carried on as before, it will be very difficult to keep control. I hope whether it is the right wing or the left, there will be no shouting so long as the speeches are going on.

Maulvi MD. MOZAMMEL HUQ: মাননীয় সভাম্‌খ্য মহোদয়? আজকে আমার কোন কথা বলিবার ইচ্ছা ছিলনা। কিন্তু কংগ্রেস গ্রুপের বাবু নরেন্দ্র নারায়ণ চক্রবর্ত্তী আজ যে রকম আপত্তিবিহীন বক্তৃতা দিয়াছেন—আমাদের সর্ব্বজনমান্য এই House এর Leader, দেশের নেতা

ও সকলের বরেণ্য যিনি, তাঁহাকে যেভাবে অযথা আক্রমণ করিয়াছেন এবং সঙ্গে সঙ্গে আমাদের মন্ত্রী-মণ্ডলের অন্যান্য মেম্বরদের প্রতিও যে রকম অযথা আক্রমন করিয়াছেন এবং তিনি যে রকম নাটকীয় অঙ্গভঙ্গী ও অভিনয় করিয়াছেন তাহাতে আমরা সকলে বড়ই ব্যাথা পাইয়াছি এবং সেই জন্যই আজ ২।৪টা কথা বলিতে চাই।

(There were interruptions from the Opposition Benches.)

Mr. SPEAKER: I must say, Mr. Abu Hossain Sarkar, that if next time I find you are interrupting, I will have to take the power that I have got into my hands and see that interruptions do not recur.

Maulvi MD. MOZAMMEL HUQ: মাননীয় সভামুখ্য মহোদয়, আপনি জানেন, অন্য দলের লোকেরা, আমাদের বিরুদ্ধ দলের লোকেরা, যখন বক্তৃতা দেন বা তাদের Leader যখন কিছু বলিতে উঠেন, আমরা কোন রকমে তাঁহাদের বিঘ্ন ঘটাই না। কিন্তু আমরা এই কোয়ালিশন দলের মেম্বরগণ বক্তৃতা দিতে দাঁড়াইলেই, বিরুদ্ধ দলের লোকেরা বিঘ্ন ঘটায়। এবং এই House এর Leader বক্তৃতা দিতে দাঁড়াইলেই হিংস্র জন্তু যে রকম আক্রমন করিতে চায়, তাহাদিগকেও ঠিক সেই রকম করিতে আপনি দেখিয়াছেন। তাঁরা আপনার Order বা আদেশকেই বা কতটুকু মান্য করিয়া চলে তাহাও আপনি জানেন। কংগ্রেস গ্রুপের মেম্বরগন যতই তেজ দেখাইয়া অঙ্গ ভঙ্গি করিয়া হাত নাড়িয়া বাচালতা করিয়া লাগামবিহীন বক্তৃতা করিতে পারে, ততই তারা নিজেদের বাহাদুর এবং বীর বলিয়া মনে করে। আর কংগ্রেসী কাগজওয়ালারা তাহাদের সেই সকল বক্তৃতা খবরের কাগজে বড় বড় অক্ষরে ছাপাইয়া দেশময় প্রচার করিয়া থাকে। বাবু নরেন্দ্র চক্রবর্ত্তী আজ যে বক্তৃতা দিয়াছেন তাহার সম্বন্ধে আগামী কল্যের কংগ্রেস কাগজে বড় বড় অক্ষরে ছাপা হইবে যে বক্তা মন্ত্রীদের গালী দিয়াছেন, কোয়ালিশন পার্টীকে গালি দিয়াছেন, গবর্ণমেন্টকে গালি দিয়াছেন, এবং ঐরূপ গালী দিয়া খুব ভাল কাজই করিয়াছেন, কিন্তু আমি জিজ্ঞাসা করি এসব কি ঠিক হইতেছে? মনুষ্য মাত্রেরই ধৈর্য্যের একটা সীমা আছে। আপনি বিচারক। আপনি দেখতে পান আমরা সত্য কথা বলি, কি মিথ্যা কথা বলি আমরা গত দুই বৎসর কোয়ালিশন পার্টীর বিরোধী লোকদের ব্যবহার ধৈর্য্যের সহিত সহ্য করিয়াছি। কিন্তু আমাদের সেই ধৈর্য্যের সীমা এখন একেবারে অতীত হইয়া গিয়াছে। এই অন্যায় যে আক্রমণ এই অযথা যে আক্রমণ আমাদের বিরুদ্ধে এবং মন্ত্রীমণ্ডলের বিরুদ্ধে কংগ্রেস পরিচালিত কাগজগুলিতে যে মিথ্যার প্রচার চলিতেছে এবং যেরূপভাষায় উহা ছাপা হইয়া থাকে, তাহাতে নিরীহ লোকেরা, অজ্ঞ লোকেরা, মনে মনে হয়তঃ ভাবিয়া থাকে, ওরা যাহা বলিতেছে তাহা সত্যই বলিতেছে। কোয়ালিশন পার্টীর বিরুদ্ধে যাহা বলিতেছে সর্ব্বজনমান্য House এর Leader প্রধান মন্ত্রী মহোদয়ের ও মন্ত্রীমণ্ডলের নামে যে লাঞ্ছনা, যতসব অপবাদ প্রচার করিয়া থাকে অজ্ঞ লোকেরা তাহা সত্য বলিয়াই মনে করিতে পারে। যেহেতু কোয়ালিশন পার্টীর নিজেদের কথা প্রচারের কোন কাগজ নাই (A MEMBER FROM THE CONGRESS SIDE: কেন "আজাদ"ইত রয়েছে।) আমাদের নিজেদের প্রচারের কাগজ নাই বলিয়াই—উহারা আমাদের বিরুদ্ধে এত মিথ্যা সংবাদ ছাপাইতেছে।

Mr. SPEAKER: Order, order. I do not think I have allowed you generally to make a reply to the different points of view raised by the members. You are forgetting that the point here is not the respective position of the different parties but the motion that the Bill be circulated.

Maulvi MD. MOZAMMEL HUQ: আমি সেই point এ আসিতেছি। কিন্তু আসিবার আগে আমাদের উপর, আমাদের দলের উপর, এই মন্ত্রীমণ্ডলকে যাঁরা সমর্থন করেন তাঁদের উপর, যদি অযথা আক্রমণ করা হয়, তাহা হইলে আমাদের পক্ষ হইতে একটা জবাব

দেওয়া উচিত। এইজন্য আমি আগে সে বিষয়ে বলিয়া আসল point এর দিকে আসিতেছি। উহাদের বক্তৃতার বিষয়ে আরও একটু বলিয়া লই। পল্লীগ্রামের ভিতর দিয়া মাঠের ভিতর দিয়া যখন রেল যায়, তখন রেল গাড়ীর দরজা দিয়া বাহিরের দিকে তাকাইলে অনেক সময় দেখিতে পাওয়া যায় যে গ্রাম্য দুষ্টু ছেলে পিলেরা অসভ্য রাখাল বালকেরা যাত্রীদের দিকে ফিরিয়া মুখ ভেংচাইতে থাকে; নানা রকম অঙ্গভঙ্গি করে। * * * *

Mr. JOGESH CHANDRA GUPTA: There are ladies in the House, and I am afraid we cannot listen to such language.

Mr. SPEAKER: As a matter of fact there was so much shouting at that time that I could not hear him. I hope Maulvi Mozammel Huq will realise his position as a member of this House. This is not the only occasion, there was another such occasion, but unless there is less noise when a member is speaking it is not possible for the Speaker to follow what the member says. There is a constant humming noise. May I suggest that this is not the place where laughing and humming noise can go on? I ask the members that when a member speaks there should be less humming noise, and unfortunately this House is so situated that if there is any humming noise it is very difficult for me to follow what the members say. I am told that there was an expression which should not have been used and I hope Maulvi Mozammel Huq will realise that the proceedings of this House have to be carried on with decorum and dignity. I will take steps to expunge that part of the proceedings (I do not know where it is), but I do hope that this should not recur.

Mr. JOGESH CHANDRA GUPTA: I think after what the speaker on the other side has done, if he is allowed to proceed with his speech the only course left open to us is to go out and return after he has finished. After that performance I do not think he is entitled to speak.

Mr. SPEAKER: You can take it from me that when he used that expression it did not strike me. So I allowed him to proceed, but if I find any occasion in future when there is any such reference I shall immediately stop it.

Mr. ABDUL WAHAB KHAN: On both sides.

Babu NARENDRA NARAYAN CHAKRABARTY: আমাদের দিক থেকে আমরা বোলতে পারি আমাদের ভিতর থেকে এরকম কথা বেরোয় নি, বেরুবেও না। আমরা কখনো ভুলে যাই নি যে এখানে ভদ্র মহিলারা আছেন।

Mr. SANTOSH KUMAR BASU: With regard to the remarks made by Mr. Abdul Wahab Khan "on both sides", I would only say that we treat such language and such statement with the contempt that it deserves.

Mr. SPEAKER: Mr. Abdul Wahab Khan, it is no use unnecessarily bringing about any controversy. There were expressions to which objections were taken, and I hope there should be no repetition.

Mr. ABDUL WAHAB KHAN: With all respect to the Chair, may I point out that our esteemed friend Mr. Chakrabarty has made a personal attack on our respected leader and it is beyond our toleration.

Mr. SPEAKER: Order, please. I still think that the Assembly is a place where if the Opposition attack bitterly the Coalition Party or the Government and think that they will not be attacked in return they are mistaken. And if the Coalition think that if they attack the Opposition they will not be attacked in return they are equally mistaken. Each side will attack the other, without entering into personalities and without mentioning names. Up till now (I was very carefully watching) there was no personal attack. Anyway, the question arose not with regard to personal attack but with regard to certain indecorous language which was used.

Maulvi MD. MOZAMMEL HUQ: মাননীয় সভাম্খ্য মহোদয়, আমি যাহা বর্ণনা করিতেছিলাম——

Mr. SPEAKER: Will you please speak on the subject-matter of the motion? The motion is for the circulation of the Bill for eliciting public opinion.

Maulvi MD. MOZAMMEL HUQ: আচ্ছা আমি আসল point এর দিকে একটু তাড়াতাড়িই আসিতেছি। (RAI HARENDRANATH CHAUDHURI গরুরগাড়ীতে আসবেন না।) তাদের সেই অঙ্গভঙ্গি দেখিয়া মুখ ভেংচান দেখিয়া এবং অশ্লীল কথা শুনিয়া রেলের অর্বাচিন ছেলে পিলেরা আনন্দ পাইতে পারে। কিন্তু রেলের বুদ্ধিমান, ধীমান ও বিবেচক যাত্রীগণ রাখাল বালকদের অসভ্য ও কদর্য্য ব্যবহারে দুঃখিত ও লজ্জিত হইয়া থাকে।

Mr. SANTOSH KUMAR BASU: On a point of order, Sir. This honourable member (I give him the courtsey of calling him an honourable member) after the performance he has made this evening has, I think, forfeited his right to that expression and to that appellation. In spite of that he has reverted to his former manner of talking. He says "সেই অঙ্গ ভঙ্গী"

Maulvi MD. MOZAMMEL HUQ: সেই জন্য আমি বলিতেছি যে উহারা অঙ্গভঙ্গী—

Mr. SANTOSH KUMAR BASU: He still maintains it.

(At this stage all the members of the Congress and Krishak Proja Parties walked out of the Chamber.)

Maulvi MD. MOZAMMEL HUQ: সেই জন্য আমি বলিতেছি—উহাদের অঙ্গভঙ্গি, অযথা আক্রমন ও গালাগালির বক্তৃতার তুলনা মাঠের অসভ্য রাখাল বালকদের সঙ্গেই বেশী খাটে উহারা অঙ্গভঙ্গী করিয়া নাটকীয় অভিনয় করিয়া, মন্ত্রীদের অযথা আক্রমণ করিয়া নিজেরা আনন্দ পাইতে পারেন, কিন্তু যাহারা এই সভার ভদ্র জ্ঞানী গুণী এবং শিক্ষিত সদস্য তাহারা ইহাতে কিছুতেই আনন্দ পান না। পক্ষান্তরে উহাদের কদর্য্য ব্যবহারে লজ্জিত হন আমাদের যিনি সর্ব্বজনমান্য দেশনেতা যাঁর নাম দেশের সকলেই জানে, এবং যিনি কোথাও গেলে সে অঞ্চলের লক্ষ লক্ষ লোক যাঁহাকে দেখিতে ছুটিয়া আসে, সমগ্র দেশবাসীর হৃদয় রাজ্য যিনি জয় করিয়াছেন তাঁহাকে বাবু নরেন্দ্র চক্রবর্ত্তী বলে কি না মৌলভী। আমাদের সর্ব্বজনমান্য প্রধান মন্ত্রী মহোদয়ের প্রতি "মৌলভী" এই অন্যায় গভীর আপত্তিজনক অপবাদ যে কংগ্রেসের লোকে দিয়াছে—এতবড় নেতার প্রতি যে তাহারা এতবড় কটু বাক্য প্রয়োগ করিয়াছে তাহাতে দেশের সমস্ত লোকের প্রাণেই আঘাত লাগিবে। বিশেষ করিয়া আমাদের কোয়ালিশন পার্টীর মেম্বরগনের মনে ঐরূপ অসংযত বাক্যের ফলে খুব কষ্ট দেওয়া হইয়াছে এবং আমরা ইহার তীব্র প্রতিবাদ জানাইতেছি।

Dog Racing বা কুকুর দৌড় সম্বন্ধে বলা হইয়াছে যে মন্ত্রীরা নিজেরাই উহা করাইতেছেন, তাহার উপর আরো বলা হইয়াছে যে এই মন্ত্রীমণ্ডলী, জুয়া খেলা, বদমাইসী, বজ্জাতি যা কিছু এদেশে আছে তাও করাচ্ছেন; ইহা হইতে মিথ্যা এবং অসত্য আর কি হইতে পারে? গায়ের জ্বালা নিবারণের জন্য মুখে যা আসে তাই বলিয়া গালি দিয়া লাগামহীন বক্তৃতা করিলে, লোকের নিকট হইতে পাগল উপাধি পাইতে হয়।

(At this stage the member having reached the time-limit, resumed his seat.)

Khan Bahadur Maulvi JALALUDDIN AHMAD: Mr. Speaker, Sir, I am sorry to intervene in the debate at a time when so much heat has been displayed on the motion of the Hon'ble the Finance Minister for consideration of this Bengal Amusement Tax (Amendment) Bill. I think he gave us to understand in his budget speech to raise Rs. 12 lakhs by ungraduated taxation on professions, trades, callings and employments and also a further sum by taxation on betting on dog-racing. And in pursuance of that statement I think, he has brought this Bill for including dog-racing and betting within the Bengal Amusement Tax Act. It is too late in the day to say that dog-racing should be encouraged by any one in the House, especially by members of the Coalition Group in which Muslims are in a majority. It has been stated by the Opposition, I think, rightly that this Coalition Party, or the Ministers who depend mainly for their support on that party, should either agree to tax this betting or just to do away with dog-racing. So long, dog-racing has been allowed in Bengal without permission from the Assembly on the plea that it is contributing to the King George Anti-Tuberculosis Fund. I am one of those persons who do not attach any importance to the game and the theory of good end justifying unlawful means. I am not an admirer of that kind of service to a great cause, be it anti-tuberculosis or any other, if that cause is served by illegal means. But that has been tolerated, and tolerated now for a pretty long time. I do not know what is in the mind of the Hon'ble the Finance Minister. As I have already pointed

out, by this Amusement Tax Bill, I think, the Hon'ble the Finance Minister proposes to levy taxation on dog-racing. In that view of the matter, I support that the Bill be taken into consideration. But if he means that he will withdraw the Bill, as he does not want to give legal sanction by including it in the Bengal Amusement Tax Act, then, of course, he should have make it clear to the House and that the opinion of the country is required to determine whether this tax should be imposed on it or whether dog-racing should be included in the Bengal Amusement Tax Act. As at present advised—and I have seen the Amusement Tax (Amendment) Bill—I am of opinion that it should be taken into consideration and, therefore, I would like to oppose the motion for circulation (Cries of: "Hear, hear," from Congress benches), unless, of course, I hear from the Finance Minister why he supports this motion for circulation or why he thinks that further opinion is necessary.

There is one other question which I want to put to the Hon'ble the Finance Minister before I conclude. The other day when there was a motion for the circulation of a Finance Bill, I heard the Hon'ble the Finance Minister say—"I have never heard that a Finance Bill is ever moved for circulation." Now I want to know from him whether or not this Bengal Amusement Tax (Amendment) Bill is a Finance Bill, and if his reply is in the affirmative, whether he should himself support the motion for circulation. With these words, I beg to commend the motion for consideration of the Bill to the acceptance of the House.

Mr. SPEAKER: I understand that it is not the intention of the Finance Minister, as he has expressed to me, that this matter should not be brought before the House during this session, and, therefore, he wants that the time for eliciting public opinion should be fixed earlier than the 30th June, so that the matter may be brought up again before the House in this session. That, however, is a matter entirely for you to decide.

Maulvi ABDUL BARI: Sir, may I be permitted to explain the attitude that this side of the House has taken up over the matter of dog-racing? I realise that this question has been fully misunderstood by my friends opposite, and it is therefore that they have indulged very much in matters which do not rightly come within the issues of this case.

Now, Sir, first of all I formally move a short notice motion that this Bill be circulated for eliciting public opinion thereon by the 20th of April 1939. Let me tell my honourable friends that it is not at all the desire of this side to defer the consideration of this Bill. There are only two courses left open to us, and we have applied our attention

to them. We may tell the honourable members opposite that we are sorry to find—and it is no wonder to us to find—that this motion was opposed by my friend Dr. Sanyal, Mr. Chakrabarty and my esteemed friend Mr. Jalaluddin Hashemy. Sir, when the motion for circulation was moved, the intention was to see that dog-racing is not perpetuated but that dog-racing is abolished, if possible. Therefore, we wanted to consult the public opinion of the country in its legal aspect, its social aspect, in its religious aspect, and in all its aspects. That was the reason,—but not that this Bill be deferred for the purpose of perpetuating it—not for the purpose of not getting any tax out of it, not that anything should not go to the coffers of the State in order to help the needy and the poor of the country. First of all, it is well known to all members of this House as well as to people outside that the members on this side of the House are not very much in favour of dog-racing, because so far as we the Mahomedans are concerned, we do not want to have any income out of a thing which is said to be illegal and not permissible under the religious instructions of the Muslims. Even, Sir, I may tell you that if there be a tax on prostitution——.

Mr. SPEAKER: Order, order. Will you, Mr. Bari, leave that part out?

Maulvi ABDUL BARI: I do, Sir. Therefore it is our desire that it should be abolished. But it is at the same time our desire also that so long as it continues we must get something out of it and must not allow the people to run the show without paying anything to the State. Now, it is also necessary that to examine things which may not be quite to our knowledge—for example, its legal aspect; and I think it will be quite wise and proper for us to ascertain public opinion by the 20th of April and not to extend the time till the 30th of June, so that when this Bill is passed, it may as well be that this tax may be collected from the 1st of April with retrospective effect, as was the case with the Finance Bill that was passed the other day. Therefore, Sir, there need not be any apprehension that this side of the House is going to shelve the Bill altogether or not to tax dog-racing. As regards the observation that fell from the mouth of Mr. Chakrabarty that somebody was going to be benefited out of it, it is a thing not to our knowledge, and we do not care to know what is going on behind. We believe there is nothing like that and therefore there need not be any apprehension. This, Sir, would be justified on the day when the Bill will be taken into consideration after the 20th April. Therefore, Sir, with a view not to extend the date further, I propose that the Bill be circulated for eliciting public opinion thereon by the 20th April.

Babu NAGENDRA NATH SEN: Sir, I rise to oppose the short notice amendment of Mr. Abdul Bari and support Dr. Sanyal that the Bill need not be circulated.

Sir, the grounds which have been urged by my friend Mr. Bari are absolutely without any justification. This Bill was published, as I see from the copy, on the 7th of February, 1939, that is, just two months ago. When a month later the Bengal Finance Bill which has since been passed into law, proposed to levy an ungraduated tax of Rs. 30 a year from professional men, service-holders, and certain other persons, I proposed that the Bill be circulated for eliciting public opinion thereon. I did so, Sir, on the 7th of March. But opposing my humble motion the Hon'ble the Finance Minister was pleased to say to this effect—"I have never heard, Sir, that a Finance Bill has ever been circulated for eliciting public opinion." Further on, that very evening he was also pleased to say, in answer to my submission that a Finance Bill ought to emerge from a Finance Committee, as follows: "Mr. Nagendra Nath Sen has just said that when a Finance Bill is introduced, it has got to be approved by a Finance Committee. This is a novel procedure which I think I have not heard anywhere but from some of the Congress members." Now, I would ask very respectfully of the Hon'ble Minister how much water has flown down the Ganges since the 7th March up till this day, the 6th of April, that he is very glad to accommodate a motion for circulation? And how can my friend Mr. Bari move such a motion on a Bill of this nature which has been for the last two months before the public, and for what period? Between this day and the 20th April there are only 14 days, if not 13, —is it not cheating, pure and simple? Because, the Coalition Party have taken it into their head that the Bill should not be taken into consideration this very day, therefore it should be sent out for circulation. It is not a practical proposal. No one has ever heard that a Finance Bill should be circulated only for 14 days. That is a very small space of time. Even within these 14 days, to-morrow is Good Friday, then there are the Easter holidays, Chaitra Sankranti and the Bengali New Year's Day. Thereafter we meet on the 17th April. So there is nothing of a charm in the 20th April.

Sir, as regards the justice of a taxation of this nature, there can be no doubt. Nobody on the other side or this side of the House has ever said that this tax should not be levied. As regards dog-racing, it was suggested in the last budget session that it ought to be taxed, by including it within the category of the Bengal Amusement Tax Act, 1922. Mr. Bari has not said anything why this tax should be postponed for a few days. His only justification is that if the Bill be taken into consideration on the 20th April, then it may have some retrospective effect so as to make it applicable from the 1st of April last. We, Sir, while at school learnt from Rowe's Hints the distinction between crime, vice and sin.

Some items are crimes, and some vices, and some sins. Dog-racing is hit by two of them at least,—either it is a sin or it is a crime! That

it is a sin has practically been admitted by Maulvi Abdul Bari, and that it is a crime is apparent to any one who has ever turned over the pages of the Indian Penal Code. If that is so, then why this solicitude for postponing the consideration of this Bill, at least for a fortnight? There is no justification. It is a crime, and, therefore, if it is abolished, no one will be more glad than the members on our side, and I think Maulvi Abdul Bari will be more glad than any of us. If it is a crime—which admittedly it is—and has not got the sanction of law, then it should be abolished.

Mr. SPEAKER: I find that Dr. Sanyal is finding a good companion on this side! (Dr. NALINAKSHA SANYAL: Yes, Sir.) I hope there will not be any telepathic messages! (Laughter.)

Mr. SANTOSH KUMAR BASU: Sir, I shall be grateful if you will allow me two minutes only to speak on this motion.

Mr. SPEAKER: All right.

Mr. SANTOSH KUMAR BASU: Sir, I am absolutely at a loss to understand the move made by my esteemed friend Mr. Abdul Bari, the master tactician of the Coalition Party. (Laughter.) By moving a short-notice amendment that this Bill be circulated for eliciting public opinion by the 20th April, he has reduced the whole thing to an absolute farce, if I may use that expression without meaning any disrespect to my honourable friend. It would have been much more understandable, it would have been far more reasonable, if my friend Mr. Abdul Bari had moved a short-notice amendment that this Bill be circulated for eliciting the opinion of the Coalition party by the 20th April 1939. (Laughter.)

Sir, I can quite understand Mr. Abdul Bari's difficulty and the difficulty of those members of the Coalition party, who have got to keep the strings of the party secure in their hands, that any decision to-day in this meeting might be extremely embarrassing to them, in view of the attitude of some members of the Coalition party, notably my honourable and esteemed friend Khan Bahadur Jalaluddin Ahmed, who has had the courage and the foresight to make his position perfectly clear in opposition to this hateful practice of dog-racing at Behala. My friend Khan Bahadur Jalaluddin Ahmed has gone so far as to suggest to the Hon'ble the Chief Minister and his colleagues and supporters in the Coalition party that not only should a tax be imposed on dog-racing, so long as it proceeds there in defiance, in utter defiance, of ordinary law of the land, but that Government should go further and take stock of the legal position in order to arrive at a definite conclusion that the practice should be stopped as early as

possible. That is the position which the Khan Bahadur has taken up this evening on the floor of this House.

Having regard to all these conflicting views, which have either been expressed or entertained by some members of the Coalition Party, I can fully appreciate my friend Mr. Abdul Bari's move to move a short-notice amendment which, to say the least of it, is singular in its utter ludicrousness, viz., that public opinion is to be taken on a taxation measure, and public opinion of the sort that can be expected within a fortnight should be elicited—a fortnight largely consisting of, or the greater part of which is taken up by holidays! Under the circumstances, I would like the Coalition Party to have the courage, if they have really got it, to face the position fairly and squarely either to support the circulation motion, if they really have the courage to do it and face the public with a motion of that character, or to oppose it and send this motion directly to the Select Committee as has been suggested by another amendment. I do not desire, Sir, to travel into those regions in which I might be treading upon tender corns. I have great tenderness for the tender corns of members of the Coalition Party, and, so far as I am concerned, I shall not follow the example of some of my friends who have not only trodden upon those tender corns but have mercilessly crushed them.

I would, therefore, voice my protest in opposition to the last amendment of Mr. Abdul Bari which he has put forward as an utter counsel of despair.

Mr. SPEAKER: I want now to adjourn the House, and after adjournment I shall call upon one member of the Coalition Party to speak, and thereafter the Hon'ble the Finance Minister will speak.

(The House was then adjourned for twenty minutes.)

(*After adjournment.*)

Maulvi ABDUL LATIF BISWAS: Mr. Speaker, Sir, I rise to support the motion of my honourable friend Maulvi Abdul Bari.

Sir, in the beginning, I would like to say that personally I am opposed to dog-racing, and I may also assure the members opposite that many of my friends on this side also oppose this measure of taxation (Mr. SANTOSH KUMAR BASU: Measure of taxation?)—I am sorry, measure of dog-racing from the very beginning. I may remind the House that Bengal is not inhabited by Mussalmans alone. From the religious point of view, Mussalmans are opposed to dog-racing. From the religious point of view, Mussalmans cannot support this measure at all. At the same time, Sir, we are fully alive and conscious of the fact that any measure which is passed by the Government of

Bengal should have the sanction not of this or that community alone but should get the sanction of all the people inhabiting this province.

There has been condemnation and wholesale condemnation from that side and I have found that my friend, Mr. Jalaluddin Hashemy, has levelled bitter criticism against this Bill. But I should say that my friend has missed the intention which actuated the moving of the motion for eliciting public opinion. The consideration should not be taken at this hour simply because public opinion should be taken, whether the length and breadth of the province will support this Bill and the principle of this Bill, or not. I find that there is the motion in the agenda paper moved by my friend, Dr. Sanyal, to the effect that the Bill be referred to the Select Committee. If that motion be accepted, I should say that it would be doing injustice to the province as a whole. If once this Bill be referred to a Select Committee, the principle of the Bill is accepted in the beginning. That is why this motion has been moved before this House that the Bill be circulated for eliciting public opinion. I have already stated that it is the intention of the mover of this motion that public opinion should be taken and it should be considered whether the public are in favour of passing this Bill or in favour of rejecting it, whether the public are in favour of adopting the principle of the Bill or whether they are in favour of rejecting it altogether; and with that end in view, the motion for circulation was moved. But, Sir, my friend, Mr. Bari, has moved a motion cutting short the period for circulation. That motion is very reasonable, but I am sorry to say that my esteemed friend, Mr. Santosh Kumar Basu, has said that the motion may be described as a farce and it may be passed in order to elicit the opinion of the Coalition Party. He has, at the same time, said that the major portion of the period will be passed within the holidays. But I would like to repeat the argument of my friend, Mr. Bari, who has said that after the publication of this Bill it was before the public and public opinion may have been forthcoming and that is why Mr. Bari is proposing this motion to be circulated for public opinion for this short period. Public opinion may be forthcoming which may support or reject the principle of dog-racing, and I think this period will be sufficient to get that opinion. The holidays will not stand in the way of sending the opinions of different parties to the Legislature during the holidays.

Sir, I may say that the Coalition Party is not in a position to accept the principle nor are they in a position to reject it. They are conscious of their duties and responsibilities that this Government will have to consider every opinion and the pros and cons of the matter. With that end in view circulation motion has been moved. With these words I support the motion of my friend Mr. Abdul Bari.

The Hon'ble Mr. NALINI RANJAN SARKER: I can at once say that although I want to raise some money from dog-racing, I am not

in favour of dog-racing. My purpose in introducing this Bill was that if dog-racing is continued, the State should not be deprived of this revenue. In 1922, when the Amusement Tax Act was enacted, dog-racing was not in vogue. There were two parts of that Amusement Tax—one for entertainment and another for betting. So far as the entertainment tax was concerned, the definition was wide enough to include even dog-racing and we are getting some entertainment tax out of dog-racing but we could not, because of sections 14 and 23, impose tax on betting in dog-racing. That is why I introduce this Bill. But, Sir, I also know that most of the supporters of Government are against dog-racing. They want to stop dog-racing as soon as possible. But if this Act is passed, then, it will practically by implication legalise dog-racing and it will not come within the mischief of the Calcutta Police Act and the Bengal Public Gaming Act. That is why when I found that they were vehemently opposed to dog-racing itself, I was prepared to accept the circulation motion to give them time and also to enable the Government to consider what policy to adopt: otherwise the circulation motion of a Finance Bill could not be accepted. Some of my friends had enquired how I could agree to the circulation of a Finance Bill. But there is a very important difference here: the actual subject on which the tax is levied is being objected to by a large section of the House. The objection is not to the financial aspect of the thing but to the subject which it is proposed to tax. So, in order to decide the policy of the Government, this motion for circulation can be accepted. But, Sir, if the House think that they are in favour of continuing dog-racing, then certainly this Bill may be considered to-day and the tax imposed. I am rather confused at the attitude taken up by the Congress Benches to-day, because I was under the impression that they were against dog-racing but from the speeches and the amendments moved by them I find that they want that this Bill should be passed to-night so that dog-racing may be legalised (Rai HARENDRA NATH CHAUDHURI: Question, question, not at all). My friend Rai Harendra Nath Chaudhuri says "not at all". I would ask him to show how if the Bill is taken into consideration and passed to-night you can stop it to-morrow without amending this Bill.

Dr. NALINAKSHA SANYAL: Are you stopping it without the Bill.

The Hon'ble Mr. NALINI RANJAN SARKER: No, that is not in my power. When I find that a considerable section of the House want to consider whether they would allow dog-racing to continue or not, I want to give them time for a month or two but my friends on the Congress Benches are so impatient and they are so enamoured of dog-racing that they want to pass this Bill to-night.

Mr. SANTOSH KUMAR BASU: I hope we will survive this one month and see what happens.

The Hon'ble Mr. NALINI RANJAN SARKER: Have patience and you will see. Now, Sir, the attitude of the Government is that if dog-racing for some reason or other is allowed, it must be taxed. But if dog-racing is not allowed and if it is the intention of the House that dog-racing should not be continued then I am not very keen to push on this Bill and I will withdraw this Bill at once.

Mr. SANTOSH KUMAR BASU: Stop it, withdraw it.

The Hon'ble Mr. NALINI RANJAN SARKER: I am amused to hear a new thing from the Congress Benches to-day. They were requesting me not to pay heed to majority opinion—a new interpretation of democracy indeed! We should not pay heed to the majority opinion in order to force the Bill to-night through the House.

The motion of Mr. Abdul Bari that the Bengal Amusements Tax (Amendment) Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 20th April, 1939, was then put and agreed to.

Adjournment.

The House was then adjourned till 4-45 p.m. on Monday, the 17th April, 1939, at the Assembly House, Calcutta.

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